THE HON'BLE JUSTICE D.P. WADHWA COMMISSION OF INQUIRY

WRITTEN SUBMISSIONS

Volume 1

[Term of Reference: (a)]

ON BEHALF OF COUNSEL FOR THE COMMISSION

WRITTEN SUBMISSIONS OF COUNSEL FOR THE COMMISSION

Scheme of Written Submissions

Terms of Reference

1.1 The Central Government by notification SO 45(e) dated 29.1.1999 constituted this Commission presided over by the Hon'ble Mr. Justice D.P Wadhwa to enquire into a definite matter of public importance, namely, the killing of Graham Stewart Staines and his two sons (Timothy and Philip) on the night of 22nd and 23rd January, 1999 in Village Manoharpur, District Keonjhar State of Orissa.

1.2 The terms of reference are:

a) An enquiry into the facts and circumstances relating to the killing of Graham Stuart Staines and his two children (Timothy and Philip) on the 22nd and 23rd January, 1999 in Village Manoharpur;

b) The role, if any, played by any authority, organization or individual in or in connection with the aforesaid killings;

c) Any other matter connected with or incidental thereto as the Commission may consider appropriate.

Analysis of the reports on the incident received by the Commission

2.1 The Commission received the following reports in relation to the incident, even before it commenced its enquiry:

i) The report of the National Minorities Commission

ii) The report of the administrative enquiry conducted by the Revenue Divisional Commissioner, Sambalpur forwarded by a letter dated February 7, 1999.

iii) The report of the National Human Rights Commission

iv) A report by Sri Saurabh Garg, Collector, Keonjhar which was handed over to the Commission during its visit to Manoharpur on March 7-8, 1999

v) A report by Sri Prakash Misra, DIG, CID (Crime Branch) submitted to the Commission

The analysis of these reports is set out hereunder in the same order as above:

REPORT OF THE NATIONAL MINORITIES COMMISSION

2.2.1 The National Minorities Commission forwarded a copy of its report dated **3rd February, 1999** to this Commission. This is one of the earlier

reports. On the 25th January, 1999 a Fact Finding Committee was constituted u/s 9(4) of the National Commission of Minorities Act, 1992. The team consisted of Sri Neminath K. and Dr. James Massey. The team visited Manoharpur and submitted a report of six and a half pages on February 1, 1999. The report refers to Graham Staines and particularly his social service rendered in the field of leprosy cure.[1] It also refers to the practice of Graham Staines to attend the annual jungle mela observed by the Christian community in Manoharpur for the last 10 years.[2]

2.2.2 The team's report refers to the shouting of slogans by the mob which attacked Graham Staines and his two children "Bajrang Dal Ki Jai", "Bajrang Bali Ki Jai", "Dara Singh Zindabad" [3] The team was informed that Dara Singh was associated with the BJP as his past activities suggested.[4] Dara Singh is one of the prime suspects in the case.

2.2.3 In its summary findings[5] the team recorded that:

a) Staines and his family were not involved in preaching of christianity for the last 10 years leading to conversion in Manohapur;

b) There was an element of involvement of outsiders in planning and executing the dastardly attack;

c) Some villagers received threats from the families and those who have been arrested and the people of neighbouring village

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[1] Report on the Manoharpur Tragedy, National Minorities Commission, para 9,p.6.
[2] Ibid.
Ibid para 11, p.7.
[4] Ibid para 16, p.8.

saying that "we have killed your leader" and now will be your turn;

d) The activities of Dara Singh particularly relating to the protection of cow was linked with the campaign of Bajrang Dal, for cow protection in the different parts of the country;

e) The cordial relations existed between Hindus and Christians and there was no ill-feelings among them;

2.2.4 The team recommended that:[6]

a) The case may be investigated by the CBI;

b) Inter-state cooperation to apprehend Dara Singh was necessary;

c) One police force should be set up in Manoharpur to protect the local Christian people;

d) Mrs. Staines and associates should be given adequate security and support;

e) State Government should take necessary steps to restore confidence among Christians.

2.2.5 While the recommendations made by the Minorities Commission appear to be well-founded, considering the fact that these findings were recorded within almost a week after the incident, they must be viewed as

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[5] Ibid. pp.9-10

[6] Ibid. pp.10 -11

tentative. In fact, subsequent enquiries show that some of the findings were not accurate and perhaps ought not to have been recorded without greater circumspection.

REPORT OF THE ADMINISTRATIVE ENQUIRY CONDUCTED BY THE REVENUE DIVISIONAL COMMISSIONER, SAMBALPUR FORWARDED TO THE GOVERNMENT OF ORISSA WITH LETTER NO. 20/CAMP. DATED 7th FEBRUARY,1999[7]

2.3.1 The terms of enquiry appointing the Revenue Divisional Commissioner to conduct an administrative enquiry are virtually the same – the circumstances and sequences of event leading to the death of Graham Stewart Staines and whether any group or organisation was involved in the incident and if so, the nature and extent of the involvement.

2.3.2 The Revenue Divisional Commissioner recorded the statements of 95 persons including officials. Public notice of the enquiry was also given. The Revenue Divisional Commissioner speaks about village Manoharpur in the following words:[8]

> "Manoharpur village is situated at a distance of about 50 kms. From Anandpur police station on the North-East part bordering Mahuldiha and Thakurmunda police station of Mayurbhanj district, close to a reserve forest area. The population as per 1991 census is 724 out of which 701 are tribals and 23 are harijans. In the village 18 families are Christians. A church is functioning in the village since 1980 in Kucha Sahi. Including the villagers of Manoharpur, there are 44 Christian

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families in this locality who offer prayers in Manoharpur church. An annual function called "Jungle Mela" is observed by the Christians during the week following Makar Sankranti which usually falls around 20th of January each year. All the Christians of the locality normally attend this Jungle Mela. Mr. Graham Stewart Staines was attending this function regularly"

2.3.3 The background of Graham Steward Staines is in the following words:[9]

"Before stating the sequence of the unfortunate death it is pertinent to mention about Graham Stewart Staines's arrival at Baripada and functioning as the care-taker of the Leprosy Home at Baripada. He was born in Brisbane in Australia. He became a pen friend of Santanu Satpathy of Baripada with identical birth day. The bond and love of inter-continental pen friendship encouraged Mr. Staines to visit Baripada in the year 1965. He started running the Leprosy Home, Baripada with the help from Leprosy Mission, Australia. He eventually became its Superintendent and engaged himself in teaching Bible by virtue of being the Convenor and Treasurer of the Evangelical Missionary Society. Gradually he became fluent in Santali and Oriya languages. Staines married Mrs. Gladys June Staines of Sydney, Australia about 15 years back. Mrs. Staines is a trained Nurse.

The Report of the Administrative Enquiry conducted by the Revenue Divisional Commissioner, Sambalpur letter dated February 7, 1999, para 3.1, p.4

Ibid. para 3.2, p.5

2.3.4 The report states that on 20th January, 1999, Staines and his two sons left for Manoharpur around 4.00 p.m. accompanied by Dr. Subhankar Ghosh, Reader in Botany, Ravenshaw College, Cuttack; Gilbert Venz from Australia; Paul Murmu, Nimai Hansda, Mr. Peter Murmu, Rajendra Swain and Victor Kohji of Scripture Union Office, Cuttack in two station wagons for Jungle Mela scheduled to be held at Manoharpur from 21st January, 1999 to 24th January, 1999. The team was supposed to return to Baripada by 25th morning. The programme of Manoharpur was an annual event which started approximately in the year 1982. Mr. Staines used to attend the programme every year.

2.3.5 Mrs. Staines deposed before the Revenue Divisional Commissioner that [10]

> "The annual programme of the Mission held at Manoharpur is called "Jungle Mela" and normally lasts for four days. These melas are meant for christians only with a view to interacting and increasing their knowledge of spiritual learning. No conversion takes place."

2.3.6 The Revenue Divisional Commissioner found that:[11]

> "On 21st January, 1999, the programme in the annual mela of church started at Manoharpur which included scripture teaching for the church members and moral teaching for the children. They also inculcated teaching relating to health cares and hygienic habits for the members of the church.On 21st and 22nd January, 1999, the programme was conducted without any interruption.

[10] Ibid.
[11] Ibid para 3.3, p.6

2.3.7 On 22nd night they showed different video-films on Jesus and his preaching through slides. After dinner Graham Stewart Staines and his children retired around 9.45 p.m..

2.3.8 The Revenue Divisional Commissioner recorded the evidenced of 12 eye-witnesses and three other witnesses. While describing the nature of the incident the Revenue Divisional Commissioner said:[12]

> "The nature of incident relates to the criminal action of putting an end to life of late Graham Stewart Staines as revealed from the deposition of Miss, Singo Marandi (W. No.28 of Annex. –E) and others of village Manoharpur. Perhaps the intention of the miscreants was not to attack the Christians of the village including their lives and properties. They also threatened the boys and girls of Santal community who were dancing in the village and prevented them from visiting the spot. Miss. Singo Marandi has categorically deposed that two persons Ojen and Chenchu threatened them not to go near the place of incident. During the visit to the spot it was found that both the vehicles were parked close to the church. When the vehicles were in fire, only the adjoining portion of the church building has been partly affected. Some damage to the church was possibly on account of rescue operation.

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[12] Ibid. para 4.0, p.9

2.3.9 On the question whether any group or organisation was involved in the incident, the Revenue Divisional Commissioner referred to the slogans which were shouted by Sri Paul Murmu and Rupai Marandi (witnesses Nos. 5 and 43 before the Revenue Divisional Commissioner respectively) that the miscreants shouted slogans like "Bajrang Bali ki Jay and Dara Singh zindabad" [13]

2.3.10 Sushil Kumar Agarwala, deposed to the involvement of Dara Singh and also that there was an opposition to Mr. Staines's visit to Manoharpur. He stated that (a) Bajrang Dal is opposed to cattle transportation for slaughter and conversion of non-christian to christian and (b) there was an agreement between Bajrang Dal and Mahamadians of Badampahad wherein they undertook not to transport cattle (c) Dara Singh visited him twice or thrice when Upendra Naik was holding office in his house (d) Dara Singh was also known to Buta Singh (e) Both of them were workers of BJP (g) the workers of Bajrang Dal and some villagers of Manoharpur were opposing the visit of Graham Stewart Staines to Manoharpur. This had given rise to breach of peace at Thakurmunda.[14]

2.3.11 The Revenue Divisional Commissioner observed that "none of the deponents could categorically mention regarding the physical presence of Dara Singh on the spot."[15] Yet he has concluded that "on examination of deposition of most of the officials of Mayurbhanj and Keonjhar districts and some ex-officials of these two districts, one could suspect the involvement of

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[13] Ibid. para 5.0 p.10
[14] Ibid.

Dara Singh in this ghastly incident. Such sordid crime was completely a monumental aberration to the time tested tolerance and harmony of the tribal belt of both of Keonjhar and Mayurbhanj districts" [16]

2.3.12 The Revenue Divisional Commissioner has referred to previous cases relating to Dara Singh in detail. He found that:[17]

> "Taking into consideration the facts and circumstances narrated above, it is very clear that Sri Rabindra Kumar Pal alias Dara Singh is a strong activist of BJP His associates who have been committing crimes against minorities are most likely the supporters/activists of BJP/Bajrang Dal. In all probabilities, Sri Rabindra Kumar Pal alias Dara Singh and his associates might have killed Mr. Graham Stewart Staines and his minor sons."

2.3.13. On the motive for the crime, the Revenue Divisional Commissioner stated "Dara Singh generates fear psychosis among the masses (other than his followers) by show of muscle power and deadly weapons" [18] The Revenue Divisional Commissioner further said that "since the population of Muslims and Christians is insignificant in this area, criminal

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Ibid.
Ibid.
Ibid para 6.2., p.24.
[18] Ibid para 7.0 p.24.

activities/any action against Muslims/Christians may endear him to the masses" [19]

2.3.14 The Revenue Divisional Commissioner further observed that "in the earlier crimes allegedly committed against Muslims by Dara Singh and his associates, he has been arousing the religious sentiments of Mahantas in particular and other Hindus in general. Those who are not loyal to him on religious grounds/sentiments, are being gained over at a consideration either in cash or in kind" [20]

2.3.15. In paragraphs 7.2 and 7.3 the Revenue Divisional Commissioner lists out the cases relating to Dara Singh in districts Keonjhar and Mayurbhanj. In paragraph 7.4 he refers to case No.19 dated 19th February, 1998 in which he had assaulted Sri Bidyadhar Das, Chairman Patna Panchayat Samiti who belongs to Congress party.

2.3.16 The Revenue Divisional Commissioner found that "in view of the above, the motive for the crime was to put an end to the life of Graham Stewart Staines and to put an end to the alleged conversion of non-Christians (Santal tribals in this case) to Christians. As it appears, the killing of the two minor sons of Mr. Staines was incidental to their criminal activities. Also the religious fanatics who have been acting publicly against the minorities may gain popular support at the cost of the social integration."[21]

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[19] Ibid. para 7.1, p.25
[20] Ibid. para 7.0, p.24.

2.3.17 On the similarity of operation and other incident, the Revenue Divisional Commissioner observed "the mode of operation of the miscreants leading to the tragic death of Mr. Graham Stewart Staines, an Australian national alongwith his two minor sons at village Manoharpur in the night of 22-23 January, 1999, bears similar situation of attacking the vehicle with lathi and other weapons, setting the vehicles on fire and shouting slogans before and after the incident. The slogans used in Manoharpur are "Marro" "Marro" "Jay Bajrang Bali ki Jay" and "Dara Singh Zindabad" On 15.9.1998 as reported in Patna P.S. case No. 24/98, the accused persons including Dara Singh obstructed the truck No. WB-11-9869 on the ghat road near Bodabhanga (between Anandpur and Thakurmunda), off-loaded and released the buffalos, physically assaulted the driver and other occupants (all belonging to Muslim community), banged the truck with their lathis and then set the truck on fire."[22]

2.3.18 While describing lapses in criminal administration, the Revenue Divisional Commissioner concluded that "had proper steps been taken, Dara Singh would not have been allowed to commit such a crime." He points out that "in Patna case No.80 dated 19th October, 1997, Sri Rabindra Kumar Pal alias Dara Singh was arrested on 10.10.1997 and forwarded to the Court of SDJM, Keonjhar on 11.11.1997 and then sent to the jail custody on 11 11.1997 On 27 11.1997, the accused person furnished a bail bond of Rs.5,000/- with personal surety of Sri Sarat Chandra Mahanta, of village Khuntapada under Turumunga P.S. for an equal amount for forefeiture on failure to discharge the legal obligations stipulated in the said bail bond. The

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[21] Ibid. para 7.6, p.26.
[22] Ibid. para 7.5, p.26

Sub-Inspector attached to the Court of SDJM, Keonjhar should have intimated the OIC, Patna P.S. regarding the release of Sri Rabindra Kumar Pal alias Dara Singh on bail with bail conditions. But unfortunately, the then OIC Patna P.S. deposed that there was no communication to him regarding the release of the said accused person. However, the said acused not only violated the bail conditions but also committed crime in Ghatgaon and Sadar P.S. areas of Keonjhar district. Another case No.299/97 under Section 110 Cr.P.C. was instituted in the Court of Executive Magistrate........."[23]

2.3.19 The Revenue Divisional Commissioner also found that there was not a discharge by the Executive Magistrate of his duties.

2.3.20 The Revenue Divisional Commissioner in his report has dealt with analysis of the religion wise population in Keonjhar district[24] and has discussed the provisions of Orissa Freedom of Religion Act, 1967 and the rules framed thereunder[25] and also made recommendations for the development of the region.[26]

Ibid. para 9 2, p.32
Ibid. para 9.1.1, pp.30-31
Ibid. para 9.3, pp.34-36
Ibid. para 9.4, , pp.36-37

REPORT OF THE NATIONAL HUMAN RIGHTS COMMISSION DATED 8TH FEBRUARY, 1999.

2.4.1 Mr. D.R. Karthikeyan, Director General, National Human Rights Commission has submitted his report. The relevant portions of the said report are set out hereinbelow

"16. The complainant Shri Soren, while talking to us also differed about the slogans mentioned in the FIR. While he maintained that he himself did not remember having heard any specific slogans, he heard from Savanla Murmu (a Christian living nearby) that some miscreants from the attacking mob shouted the slogans – 'Bajrang Bali Ki Jai', 'Dara Singh Zindabad' On this statement of Soren, we summoned Savanla Murmu who confirmed his having heard the above slogans. This version of Savanla Murmu was confirmed by his wife who told us that she had also heard these slogans.

21. Staines was of a religious and charitable disposition since his childhood. He established friendship with a pen-friend, Satpathi, a businessman hailing from Baripada. He had the same date of birth as Stewart Staines. Having heard about the existence of an Australian Mission Home established over 100 years back, Staines came down to India and Baripada in 1964, undertook his Mission and welfare work in the backward Santhali tribal areas. Since the last 35 years, he made Baripada his home. He became a popular figure with the officials and

non-officials including Hindus. He also became the Secretary of the local Rotary Club.

22. Gladys, a nurse by profession, came to India 15 years back and visited Baripada along with some friends. She took an instinctive liking for Santhali tribals because of their simplicity. After a couple of visits, Gladys and Staines decided to get married. She gave up a much more modern and comfortable life in Australia and chose to live with Stewart Staines in the tribal area of Orissa. Even according to her, she was more of a housewife looking after the family and supporting Staines in managing the clinic, rehabilitation and the Ashram, all located in and around Baripada.

27 On the first two days – 21st and 22nd January the programme went on as usual. A large number of Christians from the nearby areas participated in the programme.

28. Both the vehicles were parked in front of and by the side of the village Church, which is a small building with a tiled roof. Staines always slept in his vehicle for ensuring safety of the vehicle and also because there was no better place to stay. On the night of 22nd January, Staines along with his two minor sons slept in the Station Wagon parked just in front of the Church building. They had spread paddy straw/hay inside the vehicle as an improvised mattress. They had also spread the paddy straw/hay on the roof of the vehicle to act as an

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insulator because the nights are cold in the forest. All others who came with him slept in some house or in the open under an improvised pandal.

29. Past mid-night of 22/23rd January a mob of 40/50 miscreants surrounded Staines/Station Wagon, hit and broke the wind-screen, all the glass panels and set fire to the vehicle. As they surrounded the vehicle shouting slogans and blowing whistles, Staines and his children were burnt alive by this beastly act of the mob.

30. Some members of the mob bolted the nearby houses occupied by christians from outside, and also stood guard warning the inmates not to come out. The mob did not attack anyone else or damage any other property. It is very clear that the target was Graham Stewart Staines. Even Rolia Soren, the complainant, who rushed to the spot on hearing the noise, was stopped, restrained and sent back by two youngsters.

31. The mob withdrew, from the scene after completion of their macabre mission. Shouting slogans and blowing whistles they disappeared into the fields and forests.

2.4.2. On the deposition of Mrs. Staines, the report states:

"32. Gladys told us that she has accepted the tragedy as the Will of God and that she has no bitterness towards any one. She stated that there was a meaning and purpose to whatever God wills and it is not always possible for us to understand why an event takes place. She stated that India is her home and she shall stay back in India and continue the service that was being rendered by her husband. I conveyed the heart-felt condolences of the Chairperson and the entire National Human Rights Commission and assured her all assistance from the Commission. She thanked me for the visit and asked to write my feelings in the condolence book which she handed over to me."

2.4.3 On the working of Leprosy Home, the report states

"35. Along with the Collector and the Supdt. of Police I visited the Leprosy Ashram. The sprawling Ashram takes care of 70 inmates. Some of the victims stated that they had given up all hope in life when Stewart Staines gave them hope, got them cured and made them useful citizens. There is a dairy farm and an agricultural farm where the inmates worked and produced vegetables and milk for their own consumption and sale outside. The inmates, who were in tears, represented that their saviour was no more and both the vehicles having been burnt at Manoharpur, they were totally stranded and could not go to the hospital or anywhere else. I suggested to the Collector and the Supdt. of Police that it would be a good gesture on the part of the Govt. to provide a vehicle as this would earn the Administration a

lot of goodwill not only of the inmates and the Santhali tribals, but the entire world."

2.4.5 The report concludes

"44. Investigation into any case, particularly into a case of this magnitude, with serious repercussions in the State, the nation and all over the world, is a serious matter that has to be undertaken by a large team of trained officers with adequate powers and resources. Even then it would take considerable time for all material to be collected and the entire conspiracy unearthed." (Underlining supplied).

2.4.6 Lamenting on the lack of the investigation caused by excessive visits of VIPs, the report states

"47 The local authorities have been spending most of their time in attending on a number of VIPs and high-powered teams visiting Manoharpur every day."

2.4.7 Some of the conclusions in the report are:-

"48. From the material available, the circumstances and the inference, it appears that Dara Singh @ Rabinder Kumar Pal, is the main culprit.

"65. Thus according to the indications available, Dara Singh @ Rabinder Kumar Pal is a sympathiser of Bajrang Dal. The role he

played in Bajrang Dal, nature of position he held and whether he acted on his own or not can be established only after his arrest, interrogation and further investigation."

"66. No one speaks of any forced conversion having taken place in the area at any point of time. There is no material available to show of any recent spurt in conversion activities.

"67 The Santhal tribals live in one of the most backward areas of Orissa. They have suffered over the years due to malnutrition, illiteracy, epidemics, discrimination and poverty. There is little land available for cultivation as such. Medical facilities are almost inaccessible. In this type of atmosphere, any service rendered by the 100 year old Australian Mission at Baripada has been deeply appreciated. From the popularity of and universal praise being showered on the slain Staines, it is obvious that he was a dedicated man. He has been visiting the nearby villages serving the poor tribals in every possible way. The service rendered by Staines and Gladys during time of epidemic has been universally praised."

"68. It is quite possible that some of the neglected tribals who got medical and other benefits got impressed and attracted by the preachings of Christianity and embraced Christianity."

"71. The relative affluence of the Christian converts who also had preferential access to good and perhaps free education and proper medical treatment, thanks to the Church, has also perhaps irritated the traditional Santhali Hindu tribals."

"74. Activities of Dara Singh admittedly involved in atleast 10 serious crimes since 1996 have not been checked effectively. Dara Singh got emboldened by the fact that nothing happened to him despite the many crimes committed by him. Local police reported that he has been absconding. No serious effort seems to have been made to apprehend him and to deal with him effectively under the law."

2.4.8 The above conclusions are described in the report by Mr. Karthikeyan as tentative pending a detailed investigation. Even though the report was not preceded by a detailed inquiry yet the report must be commended for accuracy, clarity and able perception.

Report of Mr. Saurabh Garg, Collector, Keonjhar District

2.5.Mr. Saurabh Garg, the Collector, Keonjhar District, prepared a brief note and submitted the same during the visit of the Commission on March 9-10, 1999. On the incident, Mr. Garg has in para 2 of his report stated that

"This year the Jungle Mela was scheduled from 20.01.99 to 24.01.99. Since the villagers did not apprehend any problems, it was not informed to the Police. It is learnt, even in the previous years

information regarding this Jungle Mela is normally not given since there is no history of any problem/tension. About 250 people participated in this year's Jungle Mela including persons from Mayurbhanj district. 11 people came for the Jungle Mela in 2 Station Wagons bearing Registration No. ORM-952 and ORM-1208 including Mr. Graham Staines, his two minor sons, Philip and Timothy and a friend of Mr. Staines, Mr. Gilbert Vench of Australia. Apart from them there were some other Christians from Baripada, Cuttack and outside the State. On 21st and 22nd, there had been religious discourses and sessions of Bible reading. On 22.01.99 after the function was over, all had their dinner and retired to bed. While many of the participants slept in the houses nearby and around the Church, Mr. Staines along with his sons slept in the vehicle parked in front of the Church. It is learnt that Mr. Staines normally slept in the vehicle and this time since his 2 sons had also accompanied him, they also slept in the vehicle. Between 12 midnight and 12.30 a.m. about 50-60 people armed with lathis and other deadly weapons came to the spot, damaged both the vehicles and set fire to them. They obstructed the villagers of neighbouring houses who came out to prevent this mob from attacking the jeeps. Those people who tried to come out were driven back. Both the vehicles including Mr. Staines and his two sons were burnt to ashes. After about an hour the miscreants left the spot shouting slogans like 'Bajrang Bali Ki Jai' as reported by the eye-witnesses."

Report of Shri Prakash Mishra, DIG, CID (Crime Branch)

2.6.1 A report was submitted by Prakash Mishra, DIG, CID(Crime Branch) Cuttack to the Commission. The report indicated the following facts:

(i) On 23rd January, 1999 at about 9.00 a.m. a plain paper report was received from one Ralia Soren of Village Manoharpur. This report was submitted to the officer-in-charge of the Anandpur Police Station. The report stated that the christian community at Manoharpur was celebrating a jungle camp from 20th January to 24th January, 1999. The camp was being attended by Graham Staines of Baripada and his two sons Philip and Timothy and others. Staines and his two children were sleeping inside the vehicle. On 22nd January, 1999 Staines and his two sons went to sleep. At about 12 mid-night the wife of the complainant heard a sound and someone beating and breaking the vehicle. He along with his wife came outside and saw around 50 people breaking the vehicle by using lathis and also putting them on fire. The accused persons also pelted stones and threatened them with lathis and other weapons. Staines and his two sons were burnt in the fire. The FIR stated that the complainant Lalit Marandi, Subhash Murmu, Ravindra Marandi, Khitish Murmu, Subhash Marandi were at the spot. The group shouted "Bajrang Dal Zindabad" "Dara Singh Zindabad" and left the place. Staines and his two children have been completely charred to death. Both vehicles ORM 952 and ORM 1208 were totally burnt. The complainant is of the belief that the incident

was the handiwork of Dara Singh and Dara Singh had visited the village two days prior to the occurrence.

(ii) OIC Anandpur Police Station received information about the arson incident at Manoharpur through VHF Wireless DIG Headquarter, Keonjhar. He left the Police Station at 7.45 a.m. and reached Manoharpur at 9.00 a.m. On this basis the OIC Anandpur Police Station drew up a plain paper FIR on the spot and case No. 9 of 23rd January, 1999 under sections 147, 148, 149, 435, 436, 302 IPC and 25/ 27 of the Arms Act was registered at 2.00 p.m. On 2nd February, 1999 the case was taken over by the Crime Branch. S.C. Bala, DSP took charge of the investigation from the officer-in-charge J.K. Mahapatra of Anandpur Police Station. Prakash Mishra, DIG was supervising the investigations.

(iii) Village Manoharpur comes under Anandpur Police Station. There are about 180 houses in the village spread over various settlements. There is a Church in Kuccha Sahi in this village which is next to the Manoharpur village road leading to South to North. Jungle camp was being organised in the Church. It was also in the house of Mathai Marandi to the north of the Church. Temporary thached huts had been built at back side of the Church to accommodate various outsiders who attended the jungle camp. Dr. Gilbert Venz from Australia had accompanied Graham Staines along with Subhankar Ghosh, Rajendra Swain, Victor Khoji of Kanpur used to stay in the house of Bikram Marandi to the south of the church. The house of the complainant

Ralia Soren is the 5th house to the south of the Church. The group had come in station wagons from Baripada bearing numbers ORM 952 and ORM 1208. During the night both the vehicles use to be parked in front of the church facing the village road with back of the vehicle touching the church wall. Graham Staines and his two sons were sleeping in vehicle 1208. On 22nd January, 1999 this vehicle was parked to the southern side close to the house of Bikram Marandi. The other vehicle was parked to the north. Both vehicles were parallel to each other. The village road runs through Kuccha Sahi upto the Nala. The backside of the church and the row of houses on its either side was devoid of any habitation. It is an open area with few trees. The front side of the church has the house of Govind Tudu, Faguram Tudu, Mochi Ram Besra, Istar Besra and Kalandi Marandi.

(iv) Both the vehicles were found in the totally burnt condition during the spot visit. ORM 1208 had the totally burnt skeletal remains of the father and his two sons. The skeletal remains were collected and sent to the Department of Forensic Medicine, SCB Medical College, Cuttack for examination and opinion. The other vehicle had moved forward to the road and was also totally burnt. Large number of stones were found in the area indicating that the stones have been thrown on the vehicle and the church. The southern side of the church was found to be burnt as a result of the burning the vehicle and this corresponded to the area where vehicle 1208 had been parked. There was slight blackening of the wall and roof of the house of Bikram Marandi. The fire had been so intense and the temperature so high that the glasses

of the vehicle and aluminium metal had melted. Burnt straw was found inside both the vehicles as well as on the ground below the vehicle. The inside of the church and its walls were intact. There was no attack on the house of the christian families such as Mathai Marandi and Bikram Marandi.

(v) Ralia Soren was examined by the police. He, however, corroborated the first part mentioned in the FIR. He stated that he could not identify any person in the crowd. He said that he had gone to the house of Gram Rakhi and being unable to muster any help returned and he found that all the accused persons left the spot. He heard from others that the accused persons shouting "Dara Singh Jindabad" and "Bajrang Bali Ki Jai" while they were decamping. He stated that he had embraced Christianity and he would read sermon in the absence of the Pastor. He could not mention any incident which would indicate a strong hatred towards Graham Staines. He mentioned an incident of 5th January, 1999 in which Palei Hansda challenged Bhima Hansda, a christian, for playing a christian cassette during the marriage of his daughter. Even though during 1997 Raja Festival the other tribals had challenged the christian family for ploughing the field during the Rajat Sankranti, both communities were still living in harmony.

(vi) The examination of Mathai Marandi and his wife, Bikram Marandi and his wife, Samson Marandi and his wife, Benjamin Marandi and Kalap Marandi, Rupam Marandi, Piron Soren who are all christians revealed that they took part in the jungle camp. In the evening of 22nd January,

1999 Graham Staines had showed them a picture. The picture was witnessed by about two to three hundred people. After the picture everyone had dinner in their respective house and thereafter they went to sleep. At 12'o Clock they heard the sound of vehicles being beaten with lathis and stones and those who tried to come out were prevented by people who focussed torch lights on their faces and physically prevented them from coming to the road. Out of fear most of them retreated and hid amongst the trees. Jesai Marandi escaped through backside, crossed the road and observed the entire incident from a distance. However, he could not identify any person as it was totally dark. All he stated that they had heard the sound of whistles and slogans "Dara Singh Jindabad" "Jai Bajrang Bali"

(vii) Investigations further revealed that on 22nd January, 1999 there was a village dance Nagini Nacha involving the village boys and girls. This dance took place in the village road at a distance about 50 mts. from the church. The dance continued till midnight and it was going on when the accused group reached the village. The names of the participants in the dance has been collected and most of them have been examined. The examination of one young girl of 12 years (Singo Marandi) indicated that that while the girls and boys were dancing two boys namely, Ojen and Chenchu came towards them and asked them not to go towards the church. Both of them were wearing headbands. They further stated that they had come with the group to kill the Christian foreigners. Both of them stated that they had run away from the spot being frightened seeing the fire and requested them not to

divulge their names to anyone. Thereafter they left the spot. She further stated that she had seen the group setting fire to the vehicle and shouting "Jai Bajrang Bali" and "Dara Singh Jindabad" Digi @ Parwati has also corroborated her statement. Sushama Marandi also corroborated her statement. None of the boys however, could disclose any names as they had stated they had gone into hiding out of fear. Basi Tudu who stayed in the front side of the Church had stated that she woke up on hearing the barking of the dog. She found a large number of 20 to 60 persons coming from the side of the house. She could recognise Ojen and Chenchu of her village. Each house of the Sahi was guarded by two persons from out of the group. The remaining persons broke the vehicles. She also heard a cracker like sound. She saw the group setting fire to the vehicle by using straw taken from the heap. Straw was also thrust into the vehicle. She heard the slogans while the group was returning.

(viii) The examination of Nimai Hansda, the driver indicated that on hearing the sound he rushed to the spot and found a young boy trying to set fire to the front tyre of Vehicle ORM 962. He tried to prevent them. He was assaulted by the group and chased away. He further stated that Graham Staines and his two sons used to sleep in the vehicle and protect themselves from the cold by putting straw on top of the vehicle. Both the vehicles were parked in the same line and one vehicle climbed up on the road because of the fire. He was unable to identify any of the persons but heard the slogans.

(ix) Investigations in the village and surrounding area reveal that one Satya Soren had previous indication that one group was to attack the christians at Manoharpur on 22nd January, 1999. He had got this information from one Blacksmith Kartik Lohar of village Boring of Thakurmunda Police Station. Kartik Lohar was traced and examined. His examination revealed that he had take part in the congregation at Jamduwar Hill on 22nd January, 1999. The group was assembled by Dara Singh who wanted all them to proceed to Manoharpur and kill the christian foreigners who was converting Hindus. After his speech he took a head count and found 30 persons. Thereafter he proceeded to Manoharpur at 11 P.M. and committed the crime. Dara Singh wanted to commit the crime on 21st January, 1999 and had assembled a few people at the same spot on that day. However, as there were only 8 persons available, he could not proceed to Manoharpur. They stayed on that night in the house of Shrikant Purti of Dimiridiha, situated at a distance of 2 KM from Manoharpur and had their dinner there.

(x) The next day early morning he accompanied Dara to Ramelidiha to organise more people. They held a meeting with people in Ramelidiha which was attended by Suratha Nayak, Satya Soren, Peon Tudu, Laxman @ Ridai. Tudu, P Naik, Rabi Soren and others. Dara asked the group to come to Jamduwar hill near the filed of Srikant Purti the assembly point on 22.1.1999 evening. On the basis of the statement of Kartik Lohar, accused Suratha Nayak, Peon Tudu, Trinath Naik were arrested on 6.3.1999. Kartik Lohar was arrested on 25.2.1999. Umakanta Bhoi of Gayalmunda and Renta Hembram of Manoharpur

were arrested on 11.3.1999. Of the six arrested persons Peon Tudu and Trinath Naik were only participants in the conspiracy. The other four have confessed to have taken part in the crime. All the six have been forwarded to court and are in judicial custody.

(xi) Shrikant Purti and his relative Rajendra Hembram of Dimiridiha, where the accused group congregated and spent the night of 21.1.1999 have stated that Dara and 7 others stayed in his house on 21.1.1999 on the plea that they had gone to see the Makara Mela at Manoharpur and wanted to take shelter as it was night time. They also wanted food. They were provided with food and utensils and they cooked their own food. He was also identified by Kartik Lohar, Andha Naik and Dipu Das. He heard these people addressing their leader as Dara Bhai. On 22.1.1999 morning when the group had left, Ojen and Sudershan Hansda came to their house and enquired about the group. In the evening six people comprising of Dara, Andha Naik and Depu Das came to their field. They were later joined by 30 others. They said they were going to Pothi Jhuri to perform a play. Dara took out red bands from his bag and gave it to others to tie it on their heads. They also collected sticks meant to be used for his fence. Dara had a torch and an axe. Rajendra Hembram corroborated the above statement.

(xii) There is adequate evidence to show that Ojen and Chenchu had visited Dimiridiha along with 15 kilos of beaten rice (Chuda) on 22.1.1999. The shop keeper, Driver Pradhan corroborated about the sale of Chuda to Ojen and Chenchu. Ojen and Chenchu had also

been seen by Jamuna Hansda and Pamo Hansda while going along with the beaten rice towards Dimiridiha.

(xiii) During the investigations Debendra Mahanta a known supporter of Dara Singh admitted that on 23.1.1999 at about 10 a.m Dara Singh along with Dipu Das had visited his house and asked for food. While taking food he disclosed that they had burnt two vehicles at Village Manoharpur on 22nd/ 23rd January, 1999. One Puranchandra Mohanta stated that on 20.1.1999 he had seen Dara Singh at Telanadisahi. Dara Singh asked him to arrange 10 to 12 persons so that he could do the same operation against christians at Manoharpur village. Dipu was also present with Dara Singh on 21.1.1999. He again saw Dara Singh and Dipu along with another person at Chatrisahi.

(xiv) The examination of concerned witnesses indicated that they were 18 accused persons, leader of whom was Dara Singh who was the motivating factor behind this crime and the leader of the group.

(xv) Dara Singh associated himself with the Hindu fundamentalist activities and started organising such activities in the area. He also had interaction with other activists.

2.6.2 51 persons were arrested and were in judicial custody. Prakash Mishra has stated in his report that Narendra Mohanta and Chatrabhuj Mohanta had past history of involvement with Dara Singh and were also known activists of Bajrang Dal. The examination of the 5 accused FIR persons indicate that the facts pleaded by them were true and they do not seem to have been involved in the crime. The report of Prakash Mishra

further states that 44 persons were arrested on the suspicion that they were supporters of Dara Singh and activists of Bajrang Dal. However, there seems to be no evidence against these 44 arrested persons. Accordingly, the investigating officer had moved an application before the learned sub-divisional judicial magistrate Anandpur requesting them for the release of these 44 persons as per Section 169 Cr.PC.

2.6.3 The report concludes that:

a) The case seems to be the outcome of the pre-conceived plan for eliminating Graham Staines;

b) Examination of christian community members clearly indicates that his death was intended to scare the members of the christian community;

c) The killing was intended to work as warning to the other missionaries;

d) This appear to be the work of a Hindu Fundamentalist group headed by Dara Singh;

e) Whether Dara Singh acted on his own or at the behest of some others will be known only after his arrest and interrogation

III

Graham Staines and the work of the Leprosy Home

3.1.1 The Investigation Team's final report sets out the background of Graham Staines and his work as under[27].

"Graham Stewart Staines s/o late William Joseph Staines, an Australian national was born on 18.1.1941. He came to India on 18.1.1965. He married Gladys June Staines, an Australian, in 1983

and she joined him in India in 1984. She had been visiting India before her marriage. They were blessed with a daughter Ms. Esther Joy Staines and two sons namely Master Philip Graham Staines and Timothy Harold Staines. All of them were holding Australian passports issued at Australian High Commission, New Delhi on 1.3.1995 as per details given below:

	Name	Passport No.	Valid upto
(i)	Mr. G.S. Staines	L 0008623	March 1, 2005
(ii)	Mrs. Gladys June Staines	L 0008624	March 1, 2005
(iii)	Ms. Esther J. Staines	L 0008625	March 1, 2000
(iv)	Master Philip G. Staines	L 0008626	March 1, 2000
(v)	Master Timothy H. Staines	L 0008227	March 1, 2000

Esther was issued an Indian Passport by RPO, Bhubaneswar, which expired in 1998. Philip and Esther were studying in Hebron School, Ootacamund, Tamil Nadu. Timothy remained with his parents at home. Since his arrival in India, Mr. Graham Staines was with Evangelical Missionary Society in Mayurbhan (EMSM). Following departure of Miss C. Stevens to Australia in 1991, Mr. Staines was the only Australian Missionary left in Mayurbhanj.

Mr. G.S. Staines was issued visa No. X-4107/96/P dated 29.10.1996 valid for 1 year by the Consulate of India, Sydney, Australia. The X type visa is a Miscellaneous visa issued to a visitor to India and is extendable for long duration in India by the competent authorities. While extending his stay in India every year since 1995, Mr. G.S.

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[27] Final report, para 1.1 to 1.4

Staines has in his application stated that his purpose of visit to India was 'for Mission work'. He has also clarified his nature of work as 'For Missionary work including assistance with Mayurbhanj Leprosy Home and Rajabasa Leprosy Rehabilitation Farm, relieving Superintendency when necessary, maintenance and repairs of buildings and motor vehicles, Mission Treasurer, preaching of Gospel as time permits' Mrs. G.J. Staines has similarly clarified that her purpose of visit to India was 'To accompany my husband as a housewife'

Mr. G.S. Staines and Mrs. Staines were granted extension for stay in India till 29.10.1999 which were endorsed in their residential permits. There was no adverse report received from the local police station/ district Intelligence Bureau office, against late Mr. Staines and his family members.

Evidence before the Commission

See:

3.1.2. **Evidence of Pradeep Kapur** (W-24) and document (Ex.24/2) produced by him:

"I have examined the record maintained in my office as a District Registration Officer. I did not find any adverse report against Mr. Staines. I examined that record after the incident in question. For every foreigner who resides in the district, we have to maintain a

separate file. I had not heard of Mr. Venz or met him till I met him on 23.1.99 at Thakurmunda Police Station.

Q) (By Chairman) In the record of Mr. Staines maintained in the District Registration Office, was it mentioned as to what work he was carrying on in the District?

A) In his application for extension of his stay in India, Mr. Graham Stuart Staines under head "profession or present occupation" written missionary trained in carpentry, metal work and motor mechanic; clerk trained in accountancy" I produce a copy of application form filed by Mr. Staines which is Ex. W-24/2. Under the head as to why he wanted to prolong his stay, he has mentioned "for Missionary work including assistance with Mayurbhanj Leprosy Home; and Rajabasa Leprosy Rehabilitation Farm, relieving Supervisors when necessary; maintenance and repairs of buildings and motor vehicles; mission treasurer; preaching the gospel as time permits.

3.1.3 Regarding the work of Graham Staines for leprosy cure, the Commission has received affidavits from the following persons who are either inmates of the Leprosy Home, or villagers or friends and associates

1 Amod Pramanik
2. Anantha Charan Hansda
3. Ashit Kumar David
4. Rev. Asim Das

5. Baiyu Hembram
6. Bajja Murmu
7 Baji Nath Hansda
8. Bhagmat Kisku
9. Bharat Chandra Bhanj Deo
10. Binod Kishore Das
11. Bibhudata Das
12. Bhuban Bihari Sahu
13. Biswamohan Pradhan
14. Champai Hembram
15. Dhirendra Kumar Mohanty
16. Edwin Samuel Mohanty
17 Gopal Vithal Ashtekar
18. Gollack Chandra Pradhan
19. Ghasia Ho
20. Guru Charan Das
21. Jabamoni Hansda
22. John Mathai
23. Joseph Marandi
24. Josia Soren
25. Jahan Murmu
26. Jagdish Tudu
27. Janathan Tudu
28. Kutlu Tudu
29. Lakhan Das Soren
30. Lenga Hembram
31. Lilumoni Hansda
32. Madhu Singh
33. Mangal Singh Bandia
34. Manek Lal Jee Jachuck
35. Mathai Soren
36. Minal Sethi
37. Mira Rani Das
38. Mohan Chandra Mishra
39. Nathan Munda
40. Nrusingh Charan Jena
41. Padana Marandi
42. Padma Munda
43. Pareshwar Khandayatray
44. Pastor Digbijay Missal
45. Patrus Tudu
46. Peter Murmu
47 Pradeep Kumar Chauhan
48. Pradeep Kumar Chauhan
49. Pradeep Mahanty
50. Pradeep Kumar Samantray
51 Premlata Das
52. Rai Ho
53. Rajoni Mahanty
54. Ramchandra Bandia

55. Ramrai Ho
56. Rauta Jarika
57. SandeepMahanty
58. Satya Ranjan Soren
59. Shirley Weatherhead
60. Srikanta Das
61. Samuel Marandi
62. Samson Das
63. Sarada Tudu
64. Swana Hansda
65. Shantilal Mahanty
66. Shanti Pramanik
67. Siphahia Marandi
68. Stevenson Das
69. Sukhalata Das
70. Surabhi Chauhan
71. Surendra Majhi
72. Thampa Marandi
73. Timothy Samuel
74. Vishvanath Jarika
75. Wakil Hansda

3.1.4 The Investigation Team was requested to have the above affidavits verified. They have said in para 2.1 of their report that "He was said to be busy with his leprosy work. He had a cordial and helpful relationship with people and administartion of Baripada." In para 8.1 of the report it is stated ....his whole-hearted devotion to leprosy care is acclaimed by all sections of society"

The Leprosy Home

3.2.1 The IT's final report gives the details of the Leprosy Home and its interrelationship with both the Evangelical Missionary Society in Mayurbhanj and the Evangelical Mission of India[28]

[28] Final Report, paras 3.1 to 3.3, 4.1 to 4.2

3.2.2 The Evangelical Missionary Society in Mayurbhanj (EMSM) has its Head office at 12, Buna Street, Chermside, Brisbane, PIN 4032, Queensland, Australia. The main objective of the Society is to preach and teach Gospel to the people.

3.2.3 Evengelical Missionary Society started its work in 1896 by the inspiration of one Ms. Gilbert, an Australian who visited Mayurbhanj. She entrusted the work to Mrs. Kate Allanby. In 1902, Maharaja Shriram Chandra Bhanja granted a piece of land measuring 4.6 acres opposite the court building at Baripada where the Mission House and a Church are located at present. Subsequently, the activities of Evangelical Missionary Society in Mayurbhanj extended to Baripada Leprosy Asylum in the suburbs of Baripada. Miss Allaby died in 1931. The Mayurbhanj Leprosy Asylum became the Mayurbhanj Leprosy Home. Subsequently, the Mayurbhanj Leprosy Rehabilitation Farm was established in Rajabasa under the aegis of EMSM.

3.2.4 After Ms. Allaby, the EMSM was being managed by Ms. D.C. Alcorn, Ms Stevens and Mr. G.S. Staines (all Australians) till 1991. Later, Mr. Staines was the Secretary of EMSM till 1999. Following death of Mr. G.S. Staines, Mrs. Gladys J. Staines has been appointed as the successor Secretary. Mr. R. Cameron is currently the President of EMSM. The EMSM is not registered under the Registration of Society Act XXI, 1860 in Mayurbhanj. However, it was registered under FR® Act 1976 vide No. 104990006 dated 22.3.85. It maintains account No. OIC.BP-2120060 with ANZ Grindlays Bank, Calcutta'

and NO. C/211 with State Bank of India, Baripada. The accounts are audited by M/s. U. Nayak, Chartered Accountant Company at Baripada.

3.2.5 The EMSM presently controls 28 Churches spread over Mayurbhanj and Keonjhar districts of Orissa State and in Bihar. The Churches are located in (i) Durukuntia, PS Bangiriposi (ii) Kukdahonda, PS Jharpokharia, (iii) Kumardube, PS Gorumanhisahi, (iv) Banki, PS Bisoi, (v) Rairangpur, PS Rairangpur, (vi) Raika, PS Bisoi, (vii) Asna, PS Bisoi, (viii) Tobadbandh, PS Bisoi, (ix) Polasbhani, PS Bangiriposi, (x) Bhagirathpur, PS Bangiriposi, (xi) Bramhangaon, PS Bangiriposi, (xii) Amdapani, PS Bangiriposi, (xiii) Ponasdiha, PS Bangiriposi, (xiv) Betna, PS Kalinga, (xv) Rajabasa, PS Baripada Sadar (Xvi) Sorisabila (xvii) Dileshwar, PS Sarat, (xviii) Jamjunda, PS Jharpokharia (xix) Ashram Murgabadi Golai, PS Baripada, (xx) Dipasahi, PS Sadar Baripada, (xxi) Jhamboni, PS Kuliana, all in Mayurbhanj district; (xxii) Manoharpur, PS Anandpur, (xxiii) Ramachandrapur, (xxiv) Raigati, PS Saso, (xxv) Madhuban, PS Saso, (xxvi) Mankadi, PS Anandpur, (xxvii) Pothana, PS Anandpur, all in Keonjhar district, Orissa; and (xxviii) Singlia, PS Dumbria, Distt. Singhbhumi, State Bihar. The oldest Church is in Banki.

3.2.6 Churches are mostly in the rural and tribal areas. They are ordinary houses with a large room for prayers. The Pastors are selected from among local persons and they are not very highly educated. There is a meeting of Pastors once in every 3-4 months at Raika Church. Financial assistance is not rendered to Pastors and Churches. However, Mr. Staines used to attend congregations of Church leaders.

3.2.7 Two vehicles No. ORM 952 (Willys station wagon jeep, chassis no. 16397-P, Engine no. 030-75D, year of manufacture 1960) and ORM 1208 (Station wagon, chassis no. 59944-M, engine no. 011/75D, year of manufacature 1967) which were burnt at Manoharpur are registered in the name of EMSM. There is no vehicle for the Leprosy Home. However, the two vehicles of EMSM were also used for the Leprosy Home. After the incident of Manoharpur, a tempo traveller has been given by the Leprosy Mission, Delhi for the use of Leprosy Home. One Tata Sumo Vehicle has been given by the Orissa State Government for the use of Mrs. Glady Staines through district Collector.[29]

3.2.8 On 23.4.1999 there were 64 inmates in the Leprosy Home out of which 6 are engaged in the day to day working of the home. The remaining 58 are leprosy patients.[30]

3.2.9 Mr. Graham Staines was Secretary-cum-Treasurer-and-Superintendent of the Leprosy Home. The Leprosy Home is located at Murgabari Golai, Baripada. The Baripada Leprosy Home has 16.020 acres of land. The recorded tenant of the land is the Secretary, Baripada Kushth ashram. Leprosy Home has 2 para-medical staff namely (a) Surendra Majhi and (b) Josephy Hembram. Dr. B.K. Das of Baripada visits Leprosy Home once a week. No money is charged from the inmates. Medicine is given free of cost. The Outdoor-Patients Clinic is run at Mission House from Monday to Friday and patients are charged Rs.5/-. Once a month, Outdoor-Patients Clinic is also held at Rairangpur. Though Mr. G.S. Staines was not a qualified doctor,

[29] Final Report, para 7.3
[30] Final Report para 7.4

his whole hearted devotion to leprosy care is acclaimed by all sections of the society[31]

3.2.9 Leprosy Home is registered under FC(R) Act 1976 vide no. 104990007, dated 24.6.85. It maintains A/c No. C&I/SB/1/193, C&I/SB/1/117 with the State Bank of India, Baripada. The account of Leprosy Home is audited by M/s. U. Nayak, Chartered Accountant Company, Baripada.

3.2.10 The EMSM, Baripada receipts from Head Office has been shown as follows:-

1996-97	Receipts	1997-98	Receipts
General Fund	6 ,41,426.78	General Fund	6,72,673.54
Leprosy Work Fund	20,335.35	Leprosy Work Fund	51,563.65
Religious Literature Printing Fund	1,34,050.00	Religious Literature Printing Fund	--
Special Staff Allowance Fund (Mr. G. Staines)	25,887.07	Special Staff Allowance Fund (Mr. G. Staines)	64,312.81
Total	8,21,700.00	Total	7,88,550.00
Total receipts for the year 1996-97 shown as 9,37,814.75		Total receipts for the year 1997-98 shown as 10,19,273.46.	

3.2.11 Form FC 3 with audited statement of Accounts for the year 1996-97 and 1997-98 have been submitted to the Director of Government of India, MHA (FCRA) by registered post.

[31] Final Report para 8.1 to 8.5

3.2.12 The income of the Mayurbhanj Leprosy Home has been shown as follows:

1996-97	Income	1997-98	Income
Grant-in-Aid		Grant-in-Aid	
Leprosy Mission (General)	45,000.00	Leprosy Mission (General)	87,500.00
Leprosy Mission (Christmas	750.00	Leprosy Mission (Christmas	
Fund)		Fund)	750.00
EMS in Mayurbhanj (General)	4,58,427.25	EMS in Mayurbhanj	
Baripada Municipality		(General)	4,25,567.00
Women and Child Welfare	1,500.00	Government of Orissa,	
Department	36,000.00	Health Department	13,000.00
Occupational Craft (sale of		Baripada Municipality	
products)	13,917.00	Women and Child Welfare	1,500.00
Local donation		Department	18,000.00
Out-Patient Fee (medicine)	27,100.00	Sundry receipts	
Agricultural Income	14,694.00	Occupational Craft (sale of	5,830.79
Sale of shoes	2,21,563.30	products)	12,592.00
Bank interest	905.00	Local donation(General)	
	365.00	Local Donation (Christmas)	48,781.00
		In-Patient Fee	300.00
		Out-Patient Fee	
		Agricultural Income	120.00
		Sale of shoes	16,078.00
		Bank interest	2,39,076.10
			650.00
			1,438.00
		Total	
Total			
	8,20,221.55		8,71,183.84

3.2.13 The FCRA division, MHA, GOI has stated that there is a discrepancy in respect of the opening/ closing balance of the Mayurbhanj Leprosy Home, Baripada which appears to be the result of the failure to segregate the foreign contribution from the local funds.[32] However, Sanjiv Datta (W-47), Director of Foreigners Division, Ministry of Home Affairs has

said that "till this date I have not sent any communication either to the Missionary Society or the Leprosy Home...... (The discrepancy) appears to be result of mixing foreign contribution and local contribution."

3.2.14 The Integrated Tribal Development Agency (ITDA) provided the following amounts of funds for its improvement:

Year of Sanction	Years of receipt of funds	Amount and source of received funding	Remarks
1994-95	1995-96	Rs.1,00,000/- United	P.L. A/c. Cheque No. 705972 dated 15.4.95
1995-96	1996-97	Rs.1,00,000/- United	P.L. A/c. Cheque No. 760829 dated 20.11.96
1996-97	1997-98	Rs.45,000/- United	P.L. A/c. Cheque No. 776745 dated 19.12.97

3.2.15 The aforementioned amounts were mainly utilised through the Superintendent, Mayurbhanj Leprosy Home, Baripada under the direct supervision of ITDA for repair of the Leprosy Home i.e. change of roofs with RCC slab, construction of wall with brick masonry and cement plaster and fixing of trusses and asbestos.

[32] Final Report para 8.6 to 8.8

3.2.16 ITDA, Baripada has installed a medium deep tube well during 1995-96 at an estimated cost of Rs. 2,11,074.00 to provide irrigation facilities farm land of Mayurbhanj Leprosy Home Baripada.[33]

3.2.17 During 1998-99, UTDA, Baripada has utilised RS.54,000/- to provide pipe water facilities to the patients of Mayurbhanj Leprosy Home, Baripada. PVC pipes of 3" diameter was connected from the Tube-well to an over-head tank for supplying water to the residential building and kitchen.

3.2.18 The Sabai grass products of Mayurbhanj Leprosy Home, is being taken very year by ITDA, Baripada for sale in the State level Annual Adivasi Exhibition at Bhubaneswar and District level Exhibition at Baripada.

Evidence before the Commission

3.2.19 In his deposition **Mr. John Mathai (W30)** states as follows:

> "The leprosy home at Baripada is not being run by the IEM. It is, however, run by the Evangelical Missionary Soceity of Mayurbhanj, (EMSM). There is no relationship between the IEM and EMSM, but as friends, both the missions are doing missionary work and we help each other."

3.2.20 He further states that

> "The Leprosy Mission of India is also helping the Leprosy Home at Mayurbhanj. That mission is in Delhi and is a part of the International Leprosy Mission, whose aim is to eradicate leprosy all over the world.

[33] Final Report para 9 to 11

Government of Orissa also contributes Rs.13,000/- annually to the Leprosy Home. Baripada Municipality is also giving a grant of Rs.1500/- per year. Some friends of Mr. Graham Staines in India also give some money at times.

There is no budget for EMSM or the Leprosy Home. Whenever any money is needed, funds are provided by the EMSM, Australia.

During the seven years' period I am there in Mayurbhanj area, two churches have been established, one at Nagalkata and another at Baghdapa under Mahuldia Police Station. These churches have been established by the IEM. I, however, do not know how many church groups have been formed by the EMSM in the districts of Mayurbhanj and Keonjhar during this period or earlier to my coming over to the area.

Q) it that the EMSM was not only involved in the leprosy work but in missionary work also?

A) EMSM was mainly involved in leprosy home work. It was also supporting Graham Staines in his mission to encourage Christianity at different places. By encourage I would mean if any people needs .Bible teaching, Mr. Staines would arrange someone for the purpose. He would also give suggestion to the problems of local church leaders at times.

3.2.20 **R. Balakrishnan (W-20)** Collector, Mayurbhanj states:

"I visited Leprosy Home only once which was run by Mr. Graham Stewart Staines. District Administration was involved in the leprosy home, inasmuch as grants were given in the year 1994-95 (Rs.1 lakh), 1996-97 (Rs.1 lakh) and 1997-98 (Rs.45,000/-). All these are united funds given for the purpose of repairing and maintenance of sheds. Integrated Tribal Development Agency under the District Administration has dug tubewells for irrigation purposes for the leprosy home and for that purpose an amount of Rs.2,11,000/- approximately was spent in the year 1995-96. Another sum of Rs.54,000/- was spent similarly in the year 1998-99 for provision of drinking water. Mayurbhanj Municipality is also giving a grant of Rs.1500/- per year for the treatment of leprosy patients in the leprosy home. There is considerable incidents of leprosy in Mayurbhanj District. Inmates in the leprosy home are largely from Mayurbhanj District. When I visited the leprosy home I saw about 30 – 40 persons but I cannot say how many were leprosy patients. Tribal population in Mayurbhanj District would be about 58-59 per cent."

3.2.21 **Umakanta Nayak (W-46)** in his evidence has stated as under:

"I am a Chartered Accountant since 1983. I was engaged by the Evangelical Missionary Society, Mayurbhanj, and the Leprosy Home, Baripada, to audit their accounts. Mr. Graham Staines was the Secretary of both these organisations. Mr. Staines himself used to file the accounts for the purpose of audit. I was merely auditing the accounts and was performing no other function. I am aware of the

Foreign Contribution Regulation Act (FCRA) for the purpose of auditing. Both the above organisations are registered under the FCRA.

Before the investigating team of the Commission, I had produced copies of the audit accounts of both the organisations for three years, i.e. the years ending on 31st March, 1996, 31st March, 1997 and 31st March, 1998. These are in six sheets and are marked as Exts. W-46/1 to W-46/6. Intimation was submitted to the Central Government in the form prescribed under the FCRA. Such type of form, which was produced by me before the investigating team of the Commission in Ext. W-46/7 and bears my signature. I have given the certificate Ext. W-46/8 which is correct."

3.2.23 This **certificate** given by U. Nayak forms part of the F.C.3 form submitted to the Ministry of Home Affairs, Government of India. Certificates for the each of the years 1995-96, 1996-97 and 1997-98 are available. The certificate reads as under for the year ended 31.3.1998:

> "I have examined the balance sheet of EVANGELICAL MISSIONARY SOCIETY IN MAYURBHANJ as on 31.03.98. Income and expenditure for the year ended on that date which are in agreement with the books of accounts maintained by the trust or institution.
>
> I/We have obtained all the information and explanations which to the best of my knowledge and belief were necessary for the

purposes of the audit. In my opinion, proper books of accounts have been kept by the head office and the branches of the above named trust/ institution visited by me so far as appears from my examination of the books; and proper returns adequate for the purposes of audit have been received from branches not visited by me, subject to comments given below.

In my opinion and to the best of my information and according to information given to me, the said accounts give a true and fair view

(i) in the case of the balance sheet of the state of affairs of the above named trust/ institution as at 31.3.1998 and

(ii) In the case of the income and expenditure account of the deficit of its accounting year ended on 31.3.1998.

(iii) The prescribed particulars are annexed hereto.

For U. Nayak & Co.

Chartered Accountants

Sd/-
(U. Nayak)
Chartered Accountant

Baripada 16.6.98"

3.2.24 **Gladys Staines (W-48)** in her evidence states as under:

"The Evangelical Missionary Society in Mayurbhanj (EMSM) is registered in Australia. Mostly, the work of the Society is confined to Mayurbhanj district and it has also spread to the bordering districts like Keonjhar. It is, however, not a chapter as such of the EMSM in Australia. The EMSM in Australia is only a governing body to support. The churches established in Mayurbhanj are, however, independent. After the death of my husband, I have not been formally appointed to look after the works of the EMSM and the Leprosy Home, but I am working in acting position now. The Mayurbhunj Leprosy Home is a society registered under the Societies Registration Act.

Q) Can you tell this Commission the relationship between the EMSM and the Leprosy Home?

A) In the year 1982, the Mayurbhanj Leprosy Home was registered as a Society. Previous to that, it was directly under the EMSM. However, the Leprosy Home is still partially funded by the EMSM.

The activities of the EMSM and the Leprosy Home are interlinked.

Mr. Staines used to maintain the day to day accounts of the EMSM and the Leprosy Home. He had a part-time clerk who used to transfer the entries from the Day Book to the Cash Book and the Ledger. After the death of my husband, I am looking after the day to day accounts when I am there. In my absence, Mr. Soloman Soren is doing that. The part-time clerk is continuing in his work.

The Leprosy Home is exempt from payment of Income-tax under section 80G of the Income-tax Act. There is no specific order under section 80G so far as EMSM is concerned, though every year accounts are being filed and request is being made for exemption. The matter is lying at that.

The Leprosy Home has a qualified doctor. He is Dr. B.K. Das, who, in fact, does honorary work and is paid a paltry amount as honorarium. There are also two trained paramedical workers. This is in all the strength of the medical staff in the Leprosy Home. In advanced case of leprosy, it takes almost two years for recovery of the patient. The Leprosy Home does receive voluntary contributions from the State Government and the Baripada Municipality. The Leprosy Mission of India, New Delhi, also gives annual grant including medicines."

Leprosy patients are also given rehabilitation training in Sabai Grass and hand weaving. Occupational training is also given to all patients. Work is allocated to the patients in the Leprosy Home itself. The Leprosy Home is having a dairy farm and the milk is sold in the market to break down the stigma of leprosy. In the beginning, there use to be some resistence because there was feeling that the milk coming from the Leprosy Home might be contaminated as the leprosy patients were working in the dairy farm. Things have changed now and many people are purchasing the milk of our dairy farm. The Leprosy Home is also having poultry, goats, sheep and ducks to improve the diets of the

patients. All the work in the Leprosy Home is done by the patients themselves.

IV

The killing of Graham Staines: The planning and execution:

4.1.1. The Investigation Team appointed by this Hon'ble Commission in its report narrated the incident in the following terms[34]:

4.1.2. Late Mr. Graham Stewart Staines and ten others started from Baripada on January 20, 1999, at about 4 p.m in two vehicles. Staines, his two sons, Phillip and Timothy, Mr. Gilbert Venz, Dr. Shubhankar Ghosh, Mr. Rajender Swain and Victor Khoji were in one jeep ORM – 952. This vehicle was driven by Mr. Staines. The other jeep ORM – 1208, was driven by Mr. Nimai Hansda, and its occupants were Peter Murmu, Paul Murmu and Bayu Hembram. They reached Manoharpur at 8.30 p.m on January 20, 1999. Mr. Staines, Phillip and Timothy slept in the vehicle during the night. Dr. Shubhankar Ghosh and Gilbert Venz stayed in the house of Samson Marandi. The others, stayed in thatched huts constructed behind the church.

4.1.3. The jungle camp began on January 21, 1999, and the programme on that day was

6.30 a.m – 7.30 a.m	Group Counselling.
9.30 – 11.00 a.m	Scriptural Teaching and hygiene.
2.00 – 4.00 p.m	Scriptural Teaching and Moral lesson.
6.30 – 8.00 p.m	Slide shows on Biblical Characters.

4.1.4 At the meeting held on that day, Mr. Gilbert Venz, spoke and was translated by Mr. Staines into the local language. On January 22, 1999, the schedule went off peacefully. Mr. Staines and his two sons and Victor went for a walk at about 4.30 p.m towards the hills behind the church. The children collected some rocks and returned to the camp. After the slide show that evening, dinner was by 9.30 p.m, and the villagers went to their houses.

4.1.5 Mr. Staines and his two sons slept in vehicle ORM – 1208, which was parked outside the church entrance on the Southern side of the church gate. The vehicle was facing the road, the other vehicle ORM – 952 was parked on the North parallel to this vehicle. At about mid-night, around 50/60 people armed with lathis and torches and came from the Western side of church, by the side of Basi Tudu's house. Some of them were wearing red head bands. While the miscreants were approaching, Basi Tudu woke up at a dog's barking and she saw these people going towards the church. She could recognise, among others, Ojen and Chanchu Hansda. They did not respond to her query as to where they were going.

4.1.6 Some miscreants surrounded the vehicles near the church whereas, some others guarded the nearby houses to prevent the people from coming out. The miscreants pelted stones and bolted the house from outside. The miscreants started smashing the two vehicles with lathis etc. The villagers of Manoharpur, like Durgi Marandi and Ralia Soren tried to come to the spot. They were threatened that they would be beaten up and killed. They also

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[34] See Final report of the investigation team at paragraphs 12,13,14& 15.

flashed torch lights on the faces of anyone who approached. Nimai Hansda was even beaten up and Ralia Soren was man handled. The assailants action of smashing threatening and shouts created an atmosphere of fear and chaos as a result of which some of the villagers including Peter Murmu ran away from their house. The mob first tried to burn ORM – 952 by setting fire on some straw under the vehicle. Simultaneously they were smashing the other vehicle also. They damaged and set on fire both the vehicles. Some portion of the church was also burnt. Staines and his children were not allowed to come out. This incident was watched by person staying at different places around the church. A loud explosion was heard. Some assailants were wearing pant and shirt and some of them were also seen with red bands on their heads. Ojen and Chanchu of Manoharpur have been recognised by some witnesses. After about half an hour, while the miscreants left the place, three long whistles were heard and the mob was heard shouting 'Jai Bajrang Bali' and 'Dara Singh Zindabad'.

4.1.7 About fifty meters away from the scene of occurrence towards the North, a Nagini dance of the non-christian tribals was taking place. Ojen and Chanchu came there and told the boys and girls not to go towards the church and that the villagers would be protected by the mob.

4.1.8 Ralia Soren, Joseph Marandi, Bayu Hembram and Barial went to the Thakur Munda P.S and informed the Police as well as Pradeep Das about the incident.

4.2 **The evidence before the Commission on the incident is as follows:**

WITNESSES:

4.2.1 **Dr. Shubhankar Ghosh (W1),** deposed before the Commission that.

i. "In all eleven persons had left Baripada to Manoharpur in two vehicles at 4 p.m on 20/01/99. We reached around 9 p.m. Mr. Staines, his two sons, Mr. Gilbert, Rajendra Swain, Victor Joji and I myself travelled in jeep No. ORM – 952. In the other jeep No. ORM – 1208, Mishael Hansda, Peter Murmu, Paul Murmu and Bayu the cook traveled. When we reached Manoharpur at about 9 p.m, we found that there were some families already present, who had come from the nearby villages"

ii. "Every day, the programme starts from 6.30 a.m. From 6.30 a.m to 7.30 a.m, there is group counseling. There is a break from 7.30 a.m to 9.00 a.m. From 9.00 a.m to 11.00 a.m, there is a session for scriptural teaching. From 2.00 p.m to 4.00 p.m, there is scriptural teaching when children are taught and given moral teaching. There is a tea break from 4.00 to 6.00 p.m. From 6.30 p.m to 8.00 p.m there is a session for film strip show. The congregation disperses for dinner and night rest"

iii. "In the church compound in the night of 22nd / 23rd January, 1999, there were three huts. In one hut, Rajendra Swain, Paul Murmu and Victor Joji stayed. And in the second hut, the occupants were the driver Michael Murmu and Peter Murmu. In

the third hut which is used for cooking purposes the occupant was Bayu the cook".

iv. "On 22/01/99, I was staying in the house which is second to the right if we face the church. Mr. Gilbert was also staying with me. It was the first time that Mr. Gilbert attended the Jungle Camp. I am not sure about the owner of the house where I stayed. Probably his name was Marandi. It was at 9.45 p.m on 22nd January 1999 that I left the company of Mr. Staines and retired to my place of stay."

v. The witness was shown para 9 of his affidavit wherein he had narrated the incident and he stated "I did not miss out anything from the narration of events made in my affidavit. I did not see any kind of dance or merriment at the time I retired at 9.45 p.m. When I heard the shouting I woke up but could not make out what it was and we were dumbfounded. I told Mr. G. Venz to say prayers. Thereafter, I saw flames coming from the window of the room. At that time the owner of the house entered our room and said that a jeep was being set on flame. In fact he referred to the jeep in which Mr. Staines was sleeping."

4.2.2 The witness proved his affidavit, **Exhibit W1/1**, wherein he stated at para 9 "on the night of 23rd January, at about 12.15 a.m, I woke up to the loud shouting, beating of the vehicle and uproar. Both Mr. Venz and I were dumbfounded in our room and were not able to make out as to what was happening in front of the church. The village has no electricity and was totally dark. I could see the flames rising high from a small side window of the room

which was diagonal to the church frontage. I was told by the owner of the house that the vehicles have been set on fire and Mr. Staines and his two children were probably inside. Then I heard, a long whistle and the uproar calmed down and the mob left the premises. Then around 2.30 a.m on the 23rd of January, after the fire was quenched by pouring of buckets of water by the people I went and saw the charred bodies lying inside the vehicle"

4.2.3 Nimai Hansda (W6)

The witness was the driver of Graham Staines and was an eye witness to the incident and states as follows.

i. "This year, I went to Manoharpur on the 20th of January. We started from Baripada in two vehicles. I was the driver of vehicle ORM – 1208. We reached Manoharpur at about 8 p.m After reaching there we all stayed in a thatched hut behind the church. Mr. Staines and his two sons slept in the vehicle ORM 1208. Both on 21st and 22nd January, 1999 the vehicle of Mr.Staines was not taken out, nor did Mr. Staines go anywhere else except to the church on those days. On the night of 22.1.99 at about 9.30 p.m. I retired to the hut. At the time, Mr.Staines also retired to sleep in his vehicle. While the vehicle in which Mr.Staines was sleeping with his two sons was parked in front of the church, we were sleeping at the back of the church in a thatched hut.

ii. At about 12-12.30 a.m. of 22nd/23rd January, 1999, I heard sounds of hitting of the vehicle of Mr.Staines. I immediately ran

towards the vehicle. I saw that about 50-60 persons were standing in front of the vehicle and some of them were breaking the glass and the lights of the vehicle. Thereafter I found that a boy was trying to set fire to the right side front wheel of ORM 952 with a bundle of straw. They were hitting the vehicle with lathis."

iii. "Then I was trying to pull out the straw bundle from under the vehicle ORM 952, I was assaulted with lathis. Thereafter I ran away towards the church. I could not recognise any of the miscreants due to darkness and also because a torch was foccussed at my eyes. After I was prevented and beaten with lathis, I retreated about ten paces. The persons who were attacking the vehicles were talking in oriya. One of them was shouting "shoot". Some of the miscreants were also shouting "Nobody should come out" When they were retreating after burning the vehicles, they were shouting "Bajrangbali ki Jai" and "Dara Singh Zindabad"

iv. "I do not know Dara Singh nor do I know what is ment by "Bajrang Bali Ki Jai" The entire occurrence happened within a span of half an hour or so. Then the miscreants started setting fire to the vehicle, I tried to call the other villagers, but none of them came out. Then I ran towards the house of Isak Marandi at Manoharpur. Isak ran towards the vehicle when myself, Moshe Bindhani and Isak's wife went to the house of the village Headman, whose name I do not know. Then we reached the

house of the village Headman, there was a sound of tyre-burst. On hearing the sound, the village Headman told me that perhaps the miscreants were armed with bombs. I, therefore, refused to accompany them and advised them to call the other villagers. The villagers could not come, as the persons who had attacked the vehicle were guarding every house and asking them not to come out by holding out threat to their lives. Out of fear, some of the villagers left towards the jungle."

v. "Except hearing the sound of a tyre-burst, I did not hear any other sound."

vi. "I was at the scene of occurrence only for about 4-5 minutes. Then I went away to call the other villagers. I cannot say how long the miscreants hit both the vehicles, as when I went away, they were still hitting the vehicle. I woke up on hearing the sound of hitting of the vehicles. When I woke up, I saw fire being set to the vehicle ORM 952."

vii. "I saw that about 2-3 persons armed with lathis were blocking the door of the inmates of his house. I did not see any other house where persons might be there to block the way of the inmates."

4.2.4 PETER MURMU (W.10):

Peter Murmu was an eye witness and a driver of Graham Staines. He stated thus:-

i) "I suddenly got up on hearing the call of Nimai Hansda. I heard some banging sound with lathis. I went near the vehicle and found that

some people have surrounded both the vehicles and were banging them with lathis. I was afraid to see it. Then I saw fire being set to the vehicle ORM 952 and heard some sound of two persons running. Being afraid I also ran away towards the jungle"

ii) "I did not hear any such sound. I did not hear any slogan. I ran quite far, but I cannot say the exact distance. I came back at about 6.30/7.00 a.m. on 23.1.999."

4.2.5 **PAUL MURMU (W.11)**

Paul Murmu is an eye witness to this incident and stated thus

i) "About 200 people attended the jungle camp at Manoharpur. More than 100 people were staying at Manoharpur in the jungle camp. The camp was continuing till 8.00 p.m. everyday. About 100 people were going away after the video show. They were the people of nearby villages. Video show was shown both on 21st and 22nd January, 1999. I was staying in one of the straw cottages behind the church. Peter Murmu (E.W.10) was staying with me."

ii) "On 22.1.99 I went to bed at about 9.00 p.m. At that time I had met Mr. Staines. Mr. Staines and his children were sleeping in the vehicle ORM 1208. I did not have sound sleep in that night as I was not well. I was hearing the Santhali music being played at a distance of about 45-50 feet. At about 12.30 a.m. Nimai Hansad awakened me saying that the vehicle was being burnt. I along with Nimai Hansda went near the vehicles. About 60-70 people had surrounded the vehicles. Those

people were armed with lathis. They were trying to open the driver's door of ORM 1208. They could not open the door but the door lever was broken. They also broke the glass panes of the vehicles by means of lathis and crowbars. I heard the cries of the two children of Mr. Staines twice or thrice. I, however, did not hear Mr. Staines crying or shouting.

iii) "After banging the vehicles, the miscreants brought down the straw kept on the top of the vehicle and pushed it inside the vehicle as well as under the vehicle. Thereafter they set fire to it. Then they whistled thrice, gave slogans "Bajrangbali ki Jai" for about three times, and "Zindabad Dara Singh" for about four times. Those people went away by the side of the house of a widow named Basi Tudu which situates opposite the church two houses away. Some of them were dressed with pant and shirt and some had also turbans on their head. I do not remember about the colour of the dress being used by those people. They were speaking Oriya language. The entire occurrence took place for about an hour. I was witnessing the entire occurrence standing adjacent to the church wall. I did not see Mr.Staines or his two children making an attempt to come out of the vehicle. Immediately after the miscreants left I fell down. Then I got up and went to the place where Dr. Subhankar Ghosh and the Australian Saheb were staying. When I was witnessing the incident Nimai Hansda, Binod Marandi and Mathai Marandi were also standing near me. As those people were threatening that if anybody came he would be finished, we could not venture to come near the vehicles. The distance between the place

where we were standing and the place where the vehicles were burning would be about 15 feet. At the time of occurrence Mathai's wife was also sanding in her courtyard, which is at a distance of about 15 feet from us. I have not seen any other lady standing nearby the place of occurrence. About 20 people who were staying at the place ran away towards the jungle when I called them to come near the place of occurrence. I cannot ascribe any reason as to why those people ran away towards the jungle when I tried to assemble them at a place. I was one of the important persons who were attending the jungle camps. I have not smelt of any chemicals such as petrol, diesel or kerosene. Except the bursting sound of the tyres of those two vehicles, I have not heard any other sound."

iv) "For the first time I heard about Dara Singh only when the people gave slogans."

4.2.6 <u>SAMSON MARANDI (W.16)</u>

Samson Marandi is an eye witness to the incident and stated thus:

i) "We went to bed after taking our meals at about 9.00 to 9.30 p.m. on 22nd January, 1999. At about 12.00 to 12.30 p.m. I got up hearing the banging sounds of the vehicle. I heard shouts and also threatenings to fire and kill if anybody comes. After I got up, I attempted to come out of my front door, but I could not open the door. The mob which was banging the vehicle was also shouting to set fire to the houses. Out of fear, I took my wife and children outside the house through the back door. From there I tried to see, but the vehicle was not visible but flame

was visible. My father called Mr. Subhankar Ghose and the Saheb to come out of the house as the mob was threatening to set fire to the houses. Out of fear, we did not go to the spot of occurrence. I cannot say where Subhankar Ghose and the other Saheb went after they were called out by my father. While the persons in the mob were returning, I could hear the whistles blown by them and giving slogans "Bajrang Bali Ki Jay, Dara Singh Zindabad" I could not come out of the house through the front door as it was closed from outside."

4.2.7 <u>MATHAI MARANDI (W.40)</u>

i) "During the last jungle camp, Mr. Graham Staines was accompanied by Mr. Shubankar Ghosh of Cuttack, Gilbert Venz of Australia and another person, namely, Paul Murmu. Two sons of Mr.Staines had also accompanied him. All the above persons reached village Manoharpur at about 9.00 p.m. on 20.1.99. There was no activity of the jungle camp on that day. I also attended the jungle camp this year. The jungle camp proceeded as per schedule both on 21st and 22nd January, 1999.

My house is adjacent to the church. On 22.1.99, we went to bed between 9.30 p.m. and 10.00 p.m. At about 12.00 midnight or 12.30 a.m. we heard banging sounds. My wife woke me up on hearing the sound. I came outside and found about 60 persons or more surrounding the vehicles. When I came outside, three persons ran towards me and threatened to kill me if I went near the vehicles. Thereafter I went inside and tried to call Samson Marandi, whose

house is one house apart from my house, but I could not reach him as some people obstructed me. They focused torches at me and also chased me.

ii) When I tried to reach the house of Samson Marandi from my back door, I was obstructed near the lane between the houses of Bikram Marandi and Samson Marandi. Therefore, I could not reach the house of Samson Marandi as his house faces the main road. There is a back door in the house of Samson Marandi, but I could not reach even that door as I was chased by some persons who also focused torches at me. Dr. Shubankar Ghosh was staying in the house of Samson Marandi. As I could not reach the house of Samson Marandi, I came back to my house. Thereafter I tried to call the people who were sleeping behind the church. Paul Murmu, Peter Murmu, Nimai Hansda and another person from Cuttack were staying behind the church. When I called them out, they were not there. At the time I tried to go to the house of Samson Marandi, I also called these persons, but they were not there. I cannot say where these persons had gone."

iii) "I was standing at a distance of about 35 feet from the vehicles. I have heard the cries of one of the children of Mr. Staines. All the persons whom I could see, including Ojen and Chunchu, had red ribbons on their heads. They were shouting "Maro Maro, Goli Maro" I cannot say, by Maro Maro whether they intended to kill or to assault. I have not seen Nimai Hansda during the time I was present there and was witnessing the incident.

iv) "The entire incident lasted for less than half an hour. Though I was chased, I was not assaulted as I ran away. After setting fire to the vehicles, those persons whistled thrice and gave slogans "Jai Bajrangbali and Dara Singh Zindabad"

v) "Except on the date of incident, I had no occasion to hear the slogans "Jai Bajrangbali" and "Dara Singh Zindabad" I cannot say what these slogans mean."

vi) "Apart from Ojen and Chunchu, I would not recognise any other persons of our village who might be the members of the mob."

4.2.8 **RAGHUNATH DEHURY (W.41)**

i) "I am a Hindu by religion. 22nd January, 1999 was also a Saraswati Puja day. We also observe Saraswati Puja. Saraswati Puja was being observed in my brother's house. On that day at about 12 a.m. (midnight) hearing some banging sound I got up and went towards the house of Ralia Soren. There I found about 60 to 70 people were banging the two vehicles by lathis. Out of curiosity I went towards the house of Ralia Soren. Ralia Soren's house situated three houses away from the church. When I was going towards the house of Ralia Soren, I was chased by six people who were banging the vehicles. I saw some people set fire the vehicles by bringing straw from a nearby heap. The wall of the church can not be seen from the house of Ralia Soren. The two vehicles were parked in front of the church were visible from the house of Ralia Soren. I saw some people were also banging the vehicles and some were moving here and there. I

can identify some of them. I do not know any of those persons who are members of the mob. I have not seen any of them after the incident. I saw some of the photographs which were shown to me by the C.B.I. I can identify three from the photographs. I have seen the photograph Ext. 18/4, EX 31/1. The person shown in the photograph was present in the mob. He was armed with an axe and a lathi. C.B.I. had shown me three photographs and I had recognised the faces of them. I had not seen any of those persons prior to the date of incident."

4.2.9 **SOLOMON MARANDI (W.42)**

Solomon Marandi is an eye witness to the incident and stated thus

i) "At about 12 a.m. (midnight) of 22/23.1.99 I heard banging sound and hearing the banging sound I was rushing towards the vehicle. There, I saw about 50-60 peoples surrounding the vehicle and from there, they were threatening if anybody comes out of the house, he will be killed. They were armed with lathi, axe and torch and one of them was also armed with bow and arrow. Thereafter, I went near the church from the back side opposite to the church to the house of Mahiram Besra. I found Ojen and Chanchu of our village in the mob. Chanchu was armed with lathi and Ojen was holding a torch. I found one of them brought straw and another set fire the vehicles. Only three persons set fire one of the vehicles and others were banging the other vehicle. In the other vehicle Mr. Graham Staines and his two children were sleeping. The said vehicle was banged by the mob. I was there for about 10 minutes. Three persons who were trying to set fire the other

vehicle, out of them, one brought the straw and put them under the vehicle and another man who is tall and thin one was giving direction to those two. As the vehicle got fire, it suddenly moved ahead. Then I asked Mochiram Besra for arrow and bow who expressed his inability as he does not possess the same. He stated that Daud has taken his bow and arrow and thereafter I ran towards the house of Daud. I met the mother of Daud who stated that the bow and arrow are with Mochiram Besra. I did not call out anybody for help while returning from the house of Daud. I was holding a lathi and somebody put torch on my face and other chased me, so I ran away.

ii) "The house of Daud is situated two houses away from my house. I do not possess the bow and arrow in my house. I have not seen anybody present in the mob except Ojen and Chanchu earlier. I have also not seen any of them subsequent to the occurrence. After seven to eight days of the incident when the posters having the photograph of Dara Singh was put up by the police, I know that he was one of the person present in the mob. After being chased, I went near my house and thereafter I saw the mob left the place after whistling thrice and giving slogans 'Bajrang Balj ki Jai' and 'Dara Singh Jindabad' I do not know what is the actual meaning of Bajrang Bali ki Jai' and 'Dara Singh Jindabad' I have never heard such slogans prior to the occurrence. I had seen that some of those persons had red ribbons on their head. I do not know the persons who chased me.

Q. "When the poster of Dara Singh was shown 7 to 8 days after the incident, did you intimate anybody or inform the police that he was one of the persons present in the mob?

A. I did not."

Q. "Why not when such serious incident occur?

A. Though I had seen his face in the light of the fire, but I was not sure whether he was the same person. I disclosed about the incident before the C.B.I. for the first time when my statement was recorded. My statement was recorded by the C.B.I. about 20 days ago. I had disclosed before the C.B.I. about the names of Dara Singh, Ojen and Chanchu."

4.2.10 SRIKANT PURTHY (W.28)

The witness speaks about the preparation for the crime as under:

i) "Makar Sankranti festival started from 14.1.99 and continued till 18.1.99. On 20.1.99 I had been to village Singada near Karanjia and returned home on 21.2.99 at about 8.30-9.00 p.m After coming back, while taking my meal I found about 8 people sleeping on the verandah of our house. On query from my mother, I came to know that those people had come after visiting Manoharpur Mela. After taking my meal, I went to them. They requested me to arrange some food for them. I gave them 2 kilos of controlled rice for preparing food. I did not ask for

money for the rice I gave, but a person who identified himself to be Dara Singh offered me Rs.14/-, which I did not receive. They cooked the rice. Thereafter, I went to my wheat field to keep guard. On my return in the morning I found them to have left.

ii) I can identify Dara Singh. I can identify him because I saw him in the night when he stayed in my house and on the following day. I have also seen his photograph. I had, however, not met Dara Singh earlier though I had heard his name. Out of the 8 persons who were sleeping in my house I know Dipu Das of Rubindeda (near Patna), Kartik Lohar of Boring, Andha Naik of Baliposhi, and Dara Singh. I cannot identify the other 4 persons.

iii) On 22.1.99 I had been to village Bhikerimunda and returned at about 6.00 p.m. After taking my meal, I went to the wheat field. On my return, my uncle (father's younger brother) told that two boys, namely, Ojen Hansda and Chanchu Hansda of Kendudithasahi had come to my house to enquire about the persons who had come to my house in the previous night. I along with my cousin brother Rajendra Hembram went to the wheat field for keeping a watch. At about 8.00 – 8.30 p.m. six persons came near the hut where we were sleeping and asked for water. I told them to draw water from the well as the bucket was also there near the well. After taking water, they asked for a Dekchi (utensil used for cooking). They wanted the utensil for taking flatened rice. Slowly their number grew to about 30-35. Out of those persons, I could identify Ojen Hansda and Chanchu

Hansda of Kendudihasahi (Manoharpur), Mahendra Hembram and Renta Hembram of Manoharpur, Mahadev Mahanta and Madhu Mahanta of Bhalugera, Umakant Bhoi and Ghanashyam Mahanta of Gavalmunda, Suratha Naik of Rimilidiha, Budhu Naik of Nischintapur, Andha Naik of Baliposhi and Kartik Lohar of Boring. Dara Bhai was also present there. He was dressed in Lungi and Kurta. I cannot identify others. On my query they replied me that they were going to village Puthujhuri to enact a drama. Village Puthujhuri would be at a distance of about 18-20 kms. from Manoharpur. On my further query what about other material required for performing drama, they replied that the materials were on the road. I enquired about this from Dara Bhai. They took the flatened rice. Then Dara Bhai gave red ribbons to all of his associates to be tied on the head. Nothing was written on the red ribbons. Then they proceeded towards Manoharpur as the road to Puthujhuri passes through Manoharpur. Some of them collected wooden lathis from the heap, when was kept there for fencing purpose. Out of those persons, 10-15 persons were carrying torches with them. Dara was holding a bag and an axe. They left our wheat field at about 11.00 p.m.

4.2.11 RAJENDRA HEMBRAM (W.44) This witness corroborates the statement of Srikant Purthy and narrates the preparation in the same

manner as above. (See para 1 at page 1 of the deposition and para 1 at page 2 of his deposition dated 17.5.1999).

4.2.12 SATYA SOREN (W.36)

The witness speaks about the preparation for the crime as follows

i) I was in my house on the Friday following Makar Sankranti in the month of January, 1999. (The date is 22.1.99). On that day at about 2.0 p.m. I had been to the house of Peon Tudu who is the younger brother of my brother-in-law (sister's husband). I had been there to take Handia. After taking Handia, I came back to my house. Two boys from Manoharpur, Kartik Lohar, and Dara had come to our village on that day. They were sitting under a mango tree. Surath Naik and Trinath Naik were also there. They were holding a meeting and discussing about going to Manoharpur. My brother-in-law (sister's husband) and I have heard that discussion. They were discussing to go to Manoharpur to assault the christians. I, however, do not know who were those christians. Those persons who were holding the meeting left at about 3.pp to 4.00 p.m. None of the persons present in the meeting was armed with anything. They were wearing lungi, pant and kurta.

ii) I cannot identify Dara. I have seen the photographs Exts. W-18/4 and W-31/1. These are Dara's photographs.

iii) Of the two boys who had come from Manoharpur, one was Chanchu. I would know his name as he was introduced to me by

the mother-in-law of my sister. My brother-in-law's house is in village Remedianuagaon. Those two boys from Manoharpur had come to their house as they are related to them. I have not seen those two boys thereafter.

4.2.13 PURNA CHANDRA MAHANTA (W.29)

The witness speaks about preparation of the crime as follows

i) "I know Dara Singh as he stays in our village in the house of one Kali Master. I know him for about last three years. I can identify him. The real name of Dara Singh is Rabindranath Pal. He hails from Uttar Pradesh. He roams here and there and village people give him food."

ii) Q. " Did Dara Singh ever ask you to accompany him?

A. Yes. He asked me to accompany him to Manoharpur. That was 7 days after the Makar Sankranti. I declined to accompany. Dara also asked me to accompany him to Telnadi Sahi, which is at a distance of about 10 Kms. from Manoharpur. I asked Dara why he wanted me to accompany him. He told me that there was some work. On my query about the nature of work, he told me that he would tell me about the work after I agree to accompany. When Dara asked me to accompany him there were about 10-12 people, who were with him."

iii) "Next day I went to Chaturisahai and reached there at about 11.00 a.m. Majhis, which is a particular sect of Adivasi, were

having their sports and drama there. I saw Dara Singh there along with one Dipu, who live nearby Patna, but I do not know the name of his village. They were taking Handia in a shop. Dipu always carries Dara on his cycle. Thereafter Thakurmunda police arrived there. At that time, Dara was intoxicated and was rolling on the road. Dipu was trying to lift him by holding his hand. Since Dipu was unable to lift Dara, policemen offered help and put aside Dara on the road and went away. I knew that police was looking for Dara."

iv) "About a month after the incident in question I saw Dara at Talanadisahi. He was in the house of Nari Naik. My village is at a distance of about 1 km. From Telanadisahi. I had been to the river to take my bath and saw Dara there. On my way to the river I found Dara and Nari sitting in a hut. Nari identified me to Dara as a police informer. Then Dara called me and I sat near him. He threatened me if I informed the police about him he would finish my whole family. This is the reason I did not inform the police about the presence of Dara in the village at that time. On the very day Dara threatened me, police of Thakurmunda P.S. came and chased Dara Singh and fired at him. But Dara hid himself in a paddy field and managed to escape through the river. Another boy, namely, Madugu Majhi belonging to my village, has also witnessed the whole incident of police firing. Thereafter I have not seen Dara Singh."

v) "I know the associates of Dara. They are Bida Mahant of Dalapaka, Kali Master of Banbir and Nari Naik of Telanadisahi. I do not know to which party they belong."

4.2.14 <u>DEBENDRA MAHANTA (W.34)</u>

The witness speaks about his meeting with Dara Singh after the incident on 23.1.1999 as under

i) "I know Dara Singh. I came to know him in R.S.S. Camp I did not attend the camp, but I was told by some people that they have seen Dara in the camp. The camp was held at Karanjia about two years back. I am a member of the R.S.S. I did not attend the camp, but I had gone there for some other work. From the talking of the people I came to know about Dara Singh. Subsequently, I met Dara Singh in different weekly markets. I have also talked with him. I can identify Dara Singh."

ii) On 23.1.99 Dara Singh had come to our orchard Kumula Bahali at about 10.30 to 11.00 a.m. Dara Singh asked for food to me. He was accompanied by another person. He was introduced to me as Dipu whom I saw for the first time. I gave him food. (Dara said) I have come back after finishing the job. I did not ask him about the nature of the job nor did he ask me about the same. As I was in a hurry to go away, I did not ask anything to him. I was under the impression that he must have burnt some of the vehicles as he did previously. He was wearing a lungi and a

kurta. He had no head gear. Dipu was wearing a shirt and pant."

iii) "When I met Dara Singh on 23.1.99, he was only carrying a bag. I did not see him either with a lathi or a axe. Similarly Dipu was not carrying anything. After taking food, both Dipu and Dara Singh went towards the village Gopinathpur. I have not met Dara Singh thereafter."

iv) "Q. Why Dara Singh ask you for food?

A. Dara Singh had seen my house earlier. That is why he suddenly arrived in my orchard and ask for food. I did not ask him from where he had come."

4.2.15 It is further submitted that statements recorded by the Crime Branch and the CBI also corroborate the above evidence. The relevant statements and documents are summarised in the form of a chart for the sake of convenience and re produced hereinbelow.

Documentary evidence about the actual incident.	1. Exhibit W 7/3 – copy of the FIR 2. 15/2 –copy of the FIR with English translation 3. Exhibit 18/3 - the VHF message sent by SDPO anandpur on 23.1.99. 3. Exhibit 18/4 and 31/1 being the Photographs of Dara Singh
From Case Diary of 9/99 Anandpur Police station 161 statements of persons who corraborate the statements made by witnesses before the commission	Record of examination of Venz at page 7 and Victor Khojee at Page 8 , 1. Benjamin Marandi- 2. Nishikanta Hembram(he also names several of the accused persons)—He

	further states that two to three days before the incident he saw Dara singh moving in the village with some young boys. 4. Mathai Marandi 5. Sushna Marandi—saw straw being stuffed into the vehicle and also—she heard the cries of mr Staines's children,a portion of the church was also burnt. 6. Narayan Marandi—The drummer at the dance ,says that about six people armed with lathis and holding torchlights came near the church. They damaged the vehicle of the christian saheb and threatened to assault anybody who would come near.The brought straw from Bassi Tudus straw heap and put it both under the vehicleand inside and set it ablaze. The shouted Bajrang bali ki jai and dara Singh Zindabad 7 Statement of Rupei marandi 8. Statement of Bassi Tudu-saw the mob proceeding towards the scene of crime-the mob divided itself into groups . One group guarded the houses and the other went and atacked the vehicles.She says she heard the cries for help from Graham Staines 9. Uma kantha Bhoi-(accused)-gives a graphic description of the scene of the crime.

4.2.16 It is submitted that the evidence recorded by the commission corroborates the final report of the investigation team and the evidence recorded by the Crime Branch and the CBI till the date of presentation of this submission. On the incident and the sequence of events The sequence of events is thus summarised in the flow charts given hereinbelow.

Flow Chart of the Incident:

From the side of the deceased.

20th January 1999- 4 PM – Staines Leaves for Manoharpur from Baripada with his two children and accompanied by Gilbert Venz from Australia, Shubhankar Ghosh from Cuttack, Victor Khojee from Kanpur and Ranjendra Swain from Cuttack Nimai Hansda, Baiyu Hembrem , Peter Murmu and Paul Murmu.

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Mr Staines and his group arrive at Manoharpur around 8.30 Pm on the night of 20th January 1999. Whereas Mr Staines and his two children slept in the Jeep (orm 1208) , Shubhankar Ghosh and Gilbert Venz stayed in the house of Sampson Marandi the others slept in the thatched cottages behind the church.

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The Jungle Camp began on 21st January 1999 and included various programmes such as Group counselling, Scriptural teaching and hygene,scriptural teaching and moral lessons and a slide show on biblical characters.

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The Jungle Camp continued on 22nd january and went on as scheduled without any hitch. Mr Staines accompanied by his two Children and Mr Gilbert Venz took a walk towards the hills behind the Church around 4.30 PM, the children collected some rocks and returned to the camp.

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After the slide show the participants retired for the evening . Whereas Mr Staines and his two sons slept in the Vehicle ORM 1208 which was parked outside the church entrance on the southern side of the church. The Others Viz Shubhankar Ghosh and Gilbert Venz slept in the house of Sampson Marandi the others slept in the thatched cottages behind the church.

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Around 12-15-12.30 a mob of 50-60 peeople attack the jeeps and killl MrStaines and his two children by setting the jeeps on fire and burning them alive.

FROM THE SIDE OF THE PEPETRATOR (S)

Seven days after Makar Shankranti Dara Singh asked Purna Chandra Mahanta (W-29) to accompany him to Telanadi Sahi, 10 kms. away from Manoharpur. On being queried as to why he wanted Purna Chandra Mahanta to accompany him Dara said that there was some work.

I

On the next day Purna Chandra Mahanta saw Dara Singh and Dipu at Chaturi Sahi where Majhis, a particular sect of Adivasis were having their sports and drama festival. Dara and Dipu were taking handia in a shop there. Dara was intoxicated and lying on the road. Thakurmunda police which arrived there helped to lift Dara and put him on one side of the road.

In the meanwhile, on 21.1.1999 Dara Singh, Dipu Das, Mahesh Mahanto, Avi Mahanto and Kartik Lohar were assembled at Jamadwar when Dara told the group which included Kartik Lohar that "the christian pastors are converting people. They are at Manoharpur. Tonight we shall

assault them to kill and set fire their vehicle and the church as well.[1]"

Dara singh wanted to commit the crime on the 21st of January and tried to assemble a mob at Jamdwar Hill on 21st January 1999 but could assemble only eight persons and hence abandoned his plans on that date. They stayed the night at Srikant Purthy's house_.[2]_,[3]__. drama.

On 22.1.1999 Dara proceeded to Remilidiha along with Karthik Lohar and other associates and held a meeting which was attended by Suratha naik,Satya Soren, Peon Tudu,Laxman @Ridai,P.Naik, Rabi Soren and others.[4]

The group then assembled near the fields of Srikant Purthy near Jamdwar Hill on 22nd January in the evening ._They mentioned to Srikant Purthy and Rajendra Hembram that they were going to village Puthajjhari to stage a drama. They then proceeded to Manoharpur to commit the carnage

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[1] See statement of Kartik Lohar u/s 161 Cr.P.C., see supra para 5.10.3

[2] See evidence of Purnachandra Mohanta evidence of witness no29 , deposition dated 5.5.99

[3] see evidence of Srikant Purthy witness no28 in his evidence dated 5.5.99 corroborated by evidence of Rajendra Hembram witness no 44 in his evidence dated 17th May 1999.

[4] Reliance is being placed on the report of Prakash Mishra and The case diary in case 9/99 Anandpur PS in support of the narration.

At 11.00 p.m. on 22.1.99 a total of 30 pesons lead by Dara, armed with lathis, torch went to Manoharpur. Dara was holding a torch and an axe. On reaching the church at 12 midnight, Dara cut the tyres of the two vehicles. The mob broke the glasses of the jeeps. Staines shouted and the children cried. They were pushed back into the jeep and the mob also pushed the straw kept on the top of the vehicle into the vehicle and under the vehicle. Dara then set fire to the straw. Dara was aiso direting the mob. Meanwhile, Ojen and Chanchu Hansda went towards the dance party and threatened the people there not to come forward. The mob also kept at bay. Certain others who came forward to extinguish the fire and also guarded the houses of the christians to prevent them frcm coming out. After about one hour the mob left the place. Three long whistles and slogans 'Bajrang Bali ki Jai' and 'Dara Singh Jindabad' were heard.

Dara and Dipu came to Debendra Mohanta's house at 11.00 a.m. on 23.1.1999 and told him that they had come there after doing their work. Dara was seen one month later by Purna Chandra Mahanta at Telanadisahi.

4.2.17 In the light of the evidence before the commission it is clear that the murder was pre planned and meticulously executed It is also clear that Dara Singh lead the mob and it was under his direction that the carnage was

carried out. However only further investigation after the arrest of the principal accused would indicate the role of the other accused and the others involved in the planning and execution of the crime and the motive for the same.

V

Investigation into the case:

5.1 The investigation into the case 9/99 Anandpur Police station was first taken up by the local police and then by the Crime Branch. The Central Bureau of Investigation (CBI) has now been entrusted with the investigation into the case. The investigation Team (IT) appointed by this Hon'ble commission has in its final report given the result of the investigation conducted by it and also analyzed the investigation conducted by the local police ,the crime branch and the CBI. It would be now our attempt to show the findings of these reports and contrast the same with the evidence which has been recorded before this Hon'ble commission.[5]

The First Information Report

5.2.1 The investigation of case FIR No. 9/99 dated 23.1.99 u/s 147/148/149/302/435/436 IPC and 25/27 Arms Act, Anandpur PS, Keonjhar district, Orissa was initially taken up by Sub-Inspector Jayanta Mahapatra, OIC Anandpur PS who continued investigation upto 2.2.1999 when the case was transferred to Crime Branch. From 2.2.1999 till 7.4.1999 the

[5] See final report of the investigation team at paras16-27

investigation of the said case was done by Shri Sharat Chandra Bala, OPS, Dy. SP Crime Branch. Presently, the case is being investigated by the CBI.

Evidence before the Commission:-

5.2.2 Before the commission several witnesses deposed about the First Information report. The complainant **Ralia Soren (W –7)** stated at page 4 of his deposition dated 7.4.99 that his statement was not recorded either at the Thakurmunda Police station or at the Anandpur police station but the same was recorded at 9 PM at Manoharpur. He further stated that the statement was recorded after darkness and after the candle had been burnt. He further stated that he could identify only three persons in the mob viz. Lalith Marandi Subash Murmu and Rabindra Marandi but at the time the police officer was recording the statement , one Jesai Marandi came and stated that Sudam Murmu and Khitish Marandi were also there.. When asked about the mention in the FIR that the Church house was also burnt, when in fact such a statement was not true he replied by saying that he was in a state of shock and he did not know what was recorded by the police though it was read over to him. The witness proved the Plain Paper FIR which was then marked as exhibit 7/3.

5.2.3 **Peter Murmu (W10)** a signatory to the plain paper FIR stated that he did not remember signing the FIR but stated that he was grieving at that time and that he did sign many papers He further expressed his inability to read the FIR when shown to him. The witness however proved his signature on the document which was marked as Exhibit 10/1.

Official witnesses:

5.2.4 Speaking about the FIR **Mr Binoy Kumar Behra** DIG (Range) (Witness no 13) stated at page 4 of his deposition dated 13.4.99 that he could not say as to whether the FIR had been drawn up when he reached Manoharpur but he presumes that it must have been done. He further states at page 4 that he had seen the plain paper FIR around 9.30 or 10.00 P.M. after the Director General Police had left. He further stated that he knew that 51 persons have been arrested between 23.1.1999 and 28.1.1999 and that some of them were subsequently released on the ground of lack of evidence. He further stated that he had no occasion to verify as to whether the 5 FIR named accused were members of the mob which burnt the vehicles.

5.2.4 **Mr. Jayant Mohapatra**, the Officer-in-Charge of the Anandpur Police Station and the Investigating Officer in the case (**W-15**) stated at page 2 of his deposition dated 15.4.1999 that he drew up the plain paper FIR at 9.00 a.m. and the same was recorded in Oriya. He stated that he had examined the complainant Ralia Soran and the witness, Peter Murmu. He stated that he had obtained the signatures of Ralia Soran on the FIR immediately it was drawn. The FIR was proved by him and marked as Ex.15/2 and he stated that it was the same as Ex.7/3. He further stated that he had arrested five persons named in the FIR on 24.1.1999 and had during the course of his investigation arrested 51 persons. He further stated at page 7 of his deposition that there was evidence against these arrested persons. The witness also produced a chart giving the reasons for the arrest of the accused

persons which was marked by him as Ex.15/9. The following admission by the witness is significant:

Q) IN the F.I.R it is recorded that those persons also set fire to the church house. Is this statement wrong or correct?

A) It is a wrong statement.

Q) Since the F.I.R. was prepared at the spot, did you ask Ralia Soren, the informant, as to why he was making a wrong statement in respect of setting the church on fire?

A) I did not ask Ralia Soren about this.

5.2.5 **Jogendra Patnaik, (Witness 18**) and the Sub Divisional Police Officer, Anandpur stated at para 2 of his deposition dated 16.4.1999 that he was present when the plain paper FIR Ex.7/3 was recorded and that it was recorded at 9.00 a.m. He further stated at page 5 of his deposition dated 16.4.1999 that statement made by Mr. Bincy Kumar Behra (Witness 13) that the FIR was shown to him around 9.30 p.m. was wrong and he further stated at page 5 of his deposition dated 16.4.1999 that the statement made by Ralia Soran (Witness 7) that the FIR was recorded at 9.00 p.m. was wrong.

5.2.6 **Mr. M.K.Dwivedy (Witness NO.19**) and Acting SP during the relevant time stated that a plain paper FIR had been recorded before his arrival at Manoharpur (his arrival was around 12.30 p.m.). He further stated that he did not give any specific instructions to the Officer on how to proceed in the investigation.

5.2.7 It is necessary to contrast the above evidence with the evidence of **Mr. Lok Nath Behera (Witness No.52)**, Superintendent of Police, CBI, in his deposition dated 20.5.1999 (at page 3) handed over a chart marked Ex.52/2 which reveals that the 5 FIR named accused were not involved in the crime. S.C.Bala, Investigating Officer of the Crime Branch and witness NO.51 corroborates (at page 2 of his deposition dated 20.5.1999) the above view of Behra in respect of Lalit Marandi but as regards the other FIR named accused stated that investigation is still in progress.

Submission

5.2.8 Among the factors that throw considerable doubt on the manner in which the FIR was drawn up are the following:

(a) The time of drawing of the FIR is unclear. While the complainant categorically asserts that it was recorded after sun set, the police assert that it was written at around 9.00 a.m. However, DIG, Behra, (W-13) states that it was shown to him around 9.30 or 10.00 p.m. which is denied by Jogendra Patnaik (W-18). This indeed avoidable confusion but reflects a sorry state of affairs.

(b) The Crime Branch as well as CBI have been definite in their assessment that none of the persons named in the FIR was involved in the incident.

(c) The FIR records that the church was set on fire. The IO, Jayanth Kumar Mohapatra, admits that this was a wrong statement which he knew to be wrong even at the time the FIR was recorded. The

Commission's spot visit as well as the photographs soon after the incident bear this out.

(d) While the FIR states that the mob shouted 'Bajrang Dal ki Jai', not even one witness before the Commission or any person examined by any of the investigation teams has said this.

Inquest

5.3.1 The inquest of the three dead bodies was done by SI Jayanta Mahapatra OIC, Anandpur PS, in the presence of Tahasildar between 10 am to 12 pm. The cause of death of all three have been recorded by the OIC as due to burning by fire. The report shows the position of the dead bodies inside the vehicle.

Mr. G.S. Staines	Back side of driver seat. Head towards north, leg to south.
Master Philip	Back side of driver seat. Head towards north, leg to south.
Master Timothy	Head was protruding out in front door Head protruding out, leg towards south.

5.3.2 It is submitted the evidence before the Commission broadly corroborates the inquest as shown above. The evidence of the following witnesses would indicate the same

5.3.3 **Jayant Kumar Mahapatra**, (Witness 15) proved the inquest report which was marked Ex.15/4. He states at page 5 of his deposition that all the witnesses had died due to burning by fire. He further stated that photographs of the spot were taken which were marked as Ex.15/3 (i to xi) and he states that he could not identify the bodies in any of the photographs.

5.3.4 **Mr. B.C. Biswal (Witness No.33)** who is the Scientific Officer, District Forensic Laboratory states that he had taken photographs of the bodies and marks them as Ex.W-15/3 (ii), 15/3(iii) He states further that he found bodies in the jeep. 2 bodies were on the floor on the ash as the seats were burnt. The third body was near the door though inside the vehicle it appeared that the head was touching the ground having been detached from the trunk. The witness further stated that Ex.15/3 (v) and (xi) indicated the same stating that a small black patch under the door depicted the head.

<u>Postmortem report</u>

5.4.1 The dead bodies were despatched from the spot for postmortem examination at 5 p.m. on 23.1.99. The dead bodes were first sent to Sub-Divisional Hospital Anandpur, SDMO, who referred the same to FMT, SCB Medical College, Cuttack on the same day. The dead bodies reached, SCB Medical College, Cuttack on 24.1.99 at 12 am and P.M. examination was conducted by Dr. J.K. Balabantrary and Dr. N.K. Mohanty, both Associate Professors of FMT Department, SCB Medical College, Cuttack on the same day.

5.4.2 The Postmortem reports of Staines and his sons Philip & Timothy were collected on 17.3.1999. The opinion regarding the death in respect of all three is as given below:

(i) The presence of carbon soots in the respiratory passage indicates that the deceased was living in the vent of burn.

(ii) No definite opinion as to the time of death can be given in absence of usual P.M. changes. However, the death has occurred within about 6 hours from taking the last principal meal.

(iii) Death was due to combined effect of shock and suffocation resulting from burn.

5 4.3 In reply to a query by Shri S.C. Bala, Dy. SP Crime branch, Associate Professor and HOD, FMT, SCB Medical College, Cuttack replied.

"During out post-mortem examination, we have not detected any evidence of firearm injuries in the dead bodies"

5.4.4 It is submitted the evidence before the Commission broadly corroborates the inquest as shown above. The evidence of the following witnesses would indicate the same

5.4.5 **N.K. Mohanty (Witness No.32)** in his deposition proved the post-mortem report which indicate that all the three deceased died due to death by burning. He proved the post-mortem reports, marked as Ex.32/1, 32/2 and 32/3.

Forensic report

Spot visit 1

5.5. Shri Baishnab Charan Biswal, Scientific Officer, DFSL Keonjhar visited the spot on 23.1.99 at 3 pm and submitted his report on 23.1.99.

Spot visit 2

5.6.1 On the requisition of DIGP, CID, Crime Branch vide Fax message dated 1.2.99, Dr B.D. Pradhan, Assistant Director, Physics, Division, SFSL, Bhubaneswar and Shri P.C Mandal, S.O SFSL Bhubaneshwar visited the spot on 2.2.99. They have submitted their report on 9.2.99.

5.6.2 Dr Pradhan and Shri P.C. Mandal in their report concluded and opined as follows

(i) Since the two vehicles were diesel vehicles and their front portions were less damaged due to fire and the two vehicle

caught fire simultaneously, the probability of generation of fire from the engine compartment due to battery short circuit is ruled out.

(ii) When no remnants of any incriminating substance which can produce fire could be detected either from the surroundings or from the debris's of the two vehicles, the possibility of fire being produced due to any explosive substance is also ruled out.

(iii) The detection of ashes of straw inside the vehicles indicate that the bunches of straw had acted as one of the burning agents.

(iv) The detection of molten mass of metal and glass indicate that the burning was very severe and very high temperature had been generated during the burning.

(v) Since the two vehicles were having metal bodies and the burning was very severe it is suspected that some kind of highly inflammable substance like petrol or diesel or kerosene has been used as an accelerant of fire.

(vi) During spot visit the fuel tank caps of both the vehicles were found in closed and screwed condition, so the possibility of fuel from the vehicles being taken out and used in the burning is quite remote.

(vii) The I.O during his spot visit had seized one burnt table clock which was stopped at 12.15 hours from the vehicle ORM-1208. From this it is ascertained that the occurrence took place around 12 O' clock in the night of 22.1.99.

(viii) The I.O had also seized some stone pieces from the village road, inside the Church etc. which indicates that there was pelting of stones during the occurrence of the crime.

(ix) During the course of burning of the vehicle ORM-952 the ignition key of the vehicle might have got short circuited causing the vehicle to be pushed forward a little distance if parked in front gear position.

(x) The I.O is advised to send the material objects marked as A,B,C,D,F,G and H to FSL for detection of residues of petrol or diesel or kerosene oil, if any.

(xi) From observation of the spot and the two burnt vehicles it is opined that it is a case of arson done by some miscreants by setting fire to the vehicles.

Spot visit 3

5.7 1 Again on the requisition of Shri S.C Bala, DySP, Crime Branch, Dr B.D. Pradhan, A.D Ballistics visited the spot on 4.3.99 who opined that no opinion could be found regarding possibility of use of fire arms

5.7.2 Dr B.D Pradhan concluded and opined as follows

(i) Since no remnants of any incriminating substance of fire arm discharge could be detected either from the debrises of the two vehicles, body and floor of the two vehicles or from the surroundings no opinion could be formed regarding the possibility of use of fire arm to kill the deceased persons prior to the burning of the vehicles.

(ii) The sound heard by the inmates of the near house may be due to the burning and explosion of tyre and tubes of both the vehicles burning of the diesel tanks or metallic detachment during the arson.

5.7.3 It is submitted that the evidence before the Commission corroborates the above evidence and it may be necessary to notice the evidence of Mr.S.C.Bala (Witness No.51) who in his deposition dated 20.5.1999 proved the report of Mr.B.B.Pradhan, Additional Director, Forensic Division, State SFL, which is marked Ex.W-51/2.

5.7.4 During the evidence of Mr. Lok Nath Behera, Ex.52/1, was tendered being the copy of the report of the Central Forensic Science Laboratory which indicates the presence of diesel in the various exhibits sent for testing on the basis of analysis by Gas Liquid Chromotograph. The various articles analysed by the CFSL includes cloth (Item 23) which suggests that diesel was used by the mob during the carnage.

Articles seized

5.8.1 One completely burnt table clock with hands stopped at 12.35 and a burnt Canon camera and other small articles like scissor, spoons, coins etc were recovered from the vehicle ORM-1208 at the scene of occurrence on 23.1.99 by OIC Anandpur PS.

5.8.2 Seizure memo of a half burnt wrist watch showing time 12.32 was prepared formally by Inspector Crime branch on 9.3.99 on it's production by Shri D.G.R. Patnaik, Secretary to Hon'ble Justice D.P Wadhwa Commission of Inquiry at Bhubaneswar. This watch is reported to have been obtained from the scene of crime at Manoharpur on 25.1.99 by Shri Gurudas Dasgupta, M.P Seizure memo has been prepared.

5.8.3 The evidence before the Commission broadly corroborates the same and the seizure list was proved by Mr. J.K. Mohapatra, (Witness No.15) and the same was marked as Ex.15/4 to 15/6. It is however necessary to note that when Mr. Jayant Mohapatra was asked at page 6 of his deposition about the half-burnt watch which was recovered by Mr. Guru Das Das Gupta, M.P he stated that he was not aware of any such recovery. He further stated that he had seized all the articles available at the spot and the Scientific Officer had also examined the vehicle.

5.8.4 Mr. B.C.Biswal (Witness No.33) states that he had thoroughly inspected the vehicles but did not come across the watch. He further proved the inspection report along with spot map and it was marked as Ex.33/1 The

witness stated that although he had included a burnt clock which had stopped at 12.15 a.m. and a burnt canon camera he had not himself seen those articles. The witness further pointed out to the Commission that he had old and out-moded equipment such as a camera capable of taking only black and white photographs. It is submitted that the search and inspection conducted by the Police immediately after the crime was haphazard, incomplete and would have probably lead to the loss of several vital clues.

Investigation by local police

5.9.1 During the period of investigation by the local police from 23.1.99 to 2.2.99 a total of 51 persons were arrested. The 51 arrested include 5 persons named in FIR as given below

(i) Lalit Marandi s/o Madhusudan Marandi, of village Manoharpur, PS Anandpur.
(ii) Subhash Murmu s/o Biswanath, of village Manoharpur, PS Anandpur.
(iii) Rabindra Marandi s/o Bhakta Bandhu of village Manoharpur, PS Anandpur.
(iv) Sudam Murmu s/o Bala Ram of village Manoharpur, PS Anandpur.
(v) Kshitish Marandi s/o Bhakta Bandhu of village Manoharpur, PS Anandpur.

5.9.2 Rest of the 46 persons were arrested from the areas of police stations Thakurmunda, district Mayurbhanj and Ghatgaon, Turmunga, Patna Anandpur and Sadar of Keonjhar district. The list of 51 persons arrested by the local police is at **Annexure- 18**. Statements u/s 164 CrPC before SDJM, Anandpur of Debendra Mahanta s/o Trinath Mahanta, r/o village Kumulabahali, PS Patna and Purna Chandra Mahanta, s/o Basudev Mahanta,

r/o village Gopinathpur, PS Patna (both friends of Dara Singh) were also got recorded.

Investigation by Crime Branch

5.10.1 The investigation by crime branch for the period from 2.2.99 till 7.4.99 was entrusted to Shri Sharat Chandra Bala, DySP The cases of 51 persons arrested were re-examined and Shri S.C. Bala moved an application to SDJM Anandpur for release of 44 persons. The SDJM refused to grant bail. On appeal to the higher Court, 44 persons were released on orders of Hon'ble High Court dated 20.3.99.

5.10.2 During investigation by Crime branch, Satya Soren s/o Jagu Soren, r/o village Remilidiha, PS Thakurmunda, district Mayurbhanj by occupation labourer and home made liquor seller was examined and his statement recorded u/s 161 CrPC Satya Soren disclosed that on 22.1.99 Dara Singh and Kartik Lohar had come to his village and held a meeting near the house of Peon Tudu under a mango tree. Peon Tudu, Laxman Tudu, Rabi Soren, Mudga Tudu, Suratha Nayak, Trinath Nayak of Rimilidiha, Ojan and Chanchu Hansda of village Manoharpur participated in the meeting. Ojen and Chanchu told Dara Singh in the meeting that the Christians coming from Baripada in two jeeps have been staying in Manoharpur for the last two days. Then Dara Singh said to assault the Christians who had come to Manoharpur and to burn the jeeps and Church that day i.e. 22.1.99. He asked them to gather near cremation ground in the evening. He also instructed Ojen and Chanchu to arrange for food. Satya Soren himself did not go to Manoharpur as he had

pain in his legs but his brother Rabi Soren and Suratha Nayak had gone to Manoharpur in the night. Next day after return his brother Rabi Soren told him about the burning of Missionary and his two sons. Subsequently his statement was also recorded before SDJM, Anandpur u/s 164 CrPC.

5.10.3 Kartik Lohar s/o Jhari Lohar of Boring, Thakurmunda PS, Keonjhar district was arrested on 25.2.99. He confirmed Dara's leading role in the conspiracy, organising the crime and actual participation in the crime. The statement of Kartik Lohar[6] u/s 161 CrPC is reproduced below:

I, Kartik Lohar, s/o Jhari Lohar of Boring, PS Thakurmunda, district Mayurbhanj, being accompanied by my father on this 25.2.99 to village Manoharpur. I depose before you that I have studied upto Class VII. I have left reading since last two years. I have acquaintance with Andha Nayak of Baliposi. I had been to Bhimakunda to witness the Makar Sankranti Mela (festival) with Andha Nayak. While roaming in the mela I was introduced to Dara Singh by Andha Nayak. At times Dara Singh comes to Boring Hat (market) and I met him and talk to each other. On 21.1.99, Thursday, at about 12 AM, Anil Mahanto, Anis Mahanto, Jagish Mahanto and myself were playing cards under a tree. At that time Andha Naik call me to go to this side. They my self and Andha Naik went to the house of a Munda of Jamadwar who posses a tractor. We reached there at about 1 AM. Dara Singh, Dipu Das Mahesh Mahanto, Abhi Mahanto and another, whose name I do not know were sitting under a tree near the tanu of the tractor owner. Wheat was cultivated near that place. There Dara told us that Christian pastors are converting our people. They are at Manoharpur. To night we shall assault them to kill and set fire their vehicle and the Church as well. As none except us did not assemble on that night Dara refused to do any thing that night as we were less in number, here all of us slept in the house of that Munda after taking rice.

On 22.1.99 myself and Dara went to Rimilidiha village, Dipu, Andha and another boy (I don't know him) went to Bhaundia village and Mahesh Mahantao and Abhi Mahanto went to Bhalugharh village as per the direction of Dara to collect people. Dara asked all of us to reach the very same place (Tank embankment) at the evening of 22.1.99. Myself and Dara reached village Rimilidiha at about 12 PM. Dara went to the house of Peon Tudu and took liquor (Handia) and at that time two other person were also taking liquor in his house. After taking Handia Dara came and sat under a Mango tree near the house of Peon Tudu with him. At that time two boys from Manoharpur, one of whom is of my age and other who is elder to me, came

near the tree in a bicycle. When we are sitting there Akshyn Nayak, Surath Nayak and Satya Soren and his brother Rabi Soren of Rimilidiha arrived there. Madagu Tudu of that village also came there. After all of them assembled there, Dara told that the Christian Pastors are destroying the Hindu religion. They have all come to Manoharpur and we shall assault to kill them and set fire to the vehicle and Church as well. All of you kindly help me. All those present there assured to help. Then he asked all to assemble near the tank embankment, where fire would be burning near the House of Munda of Jamadwar in the evening. After that meeting was over myself and Dara went to the House of Khageswar Patra of Remildiha who is my god father. There I washed my hands and Dara took rest on a jute bag. At about 3 PM myself and Dara came to the house of Jamadwar Munda by walking. After the evening we waited for people to arrive near the wheat field adjacent to the House of Munda by burning fire. When we arrive there at the house of Munda, he told us that 2 boys of Manoharpur have kept flat rice and sugar in his house. As soon as it became dark, Makarash Mahanto, Abhi Mahanto, Andha Nayak, Dipu Das and people from Nischintpur, Bhundia, Ponasdiha, Kanthala, Gayalmunda, Bhalugarh, and those two boys from Manoharpur who had come to Rimildiha assembled there. On head count by Dara, there were 30 in all. Two persons of the Munda tractor owner were also present there. Those two boys from Manoharpur brought flat rice and sugar from the house of Munda truck owner and all of us took flat rice and sugar. Those who had no lathis were provided with lathis by the people of Munda's house. All placed the red ribbon on their head given by Dara. At about 11 PM myself Dara, total 30 persons went to Manoharpur being armed with Lathis, Torch. Dara was holding the torch and an axe. When we reached near the Church it was about 12 AM. At first Dara cut the tyres (wheel) of the two vehicles parked in front of the Church. All of us broke the glasses by banging. At that time the saheb who was sleeping inside the jeep shouted and the two children cried. When the Christian saheb was attempting to come out we pressed the door from outside and pushed the straw kept atop the vehicle inside and under the vehicle. Dara immediately set fire under as well as inside the vehicle by a match box. Immediately the vehicles caught fire. We guarded there for about 25 minutes. The Christian Pastor and his two children were burnt to ashes. One out of the two vehicles moved and also blown horn immediately as it caught fire and Dara stopped the said vehicle by putting two logs near the front wheel. When a man was trying to extinguish fire by bringing water from near the Church, Dara threatened him to go away or else bombs would hurled at him. He ran away hearing this. After about 20 to 25 minutes of the fire we left the place by saying Jay Bajarang bali, 'Jaya Ma Kali zindabad, Dara Singh zindabad. We came together till Jamadahar Gadi and thereafter left for their respective houses. Myself, Dara, Dipu, Makara and Abhi were together up to the village Boring. Thereafter I left for my house...

5.10.4 During investigation by crime branch under the supervision of Shri Prakash Mishra, DIGP, the names of 18 accused persons as given below came to light, cut of which 6 have been arrested by them

(i)	Rabindra Kumar Pal @ Dara Singh.	
(ii)	Dipu Das of village Rudhiabeda.	
(iii)	Andha Nayak of Baliposi	
(iv)	Ojen Hansda of Manoharpur	
(v)	Sudarshan @ Chanchu of Manoharpur	
(vi)	Mahendra Hembram of Manoharpur	
(vii)	Renta Hembram of Manoharpur	Arrested on 11.3.99
(viii)	Mahadev Mahanta of Valughera	
(ix)	Madhu Mahanta of Valughera	
(x)	Ghanshyam Mahanta of Gayalmunda	
(xi)	Umakanta Bhoi of Gayalmunda	Arrested on 11.3.99
(xii)	Suratha Nayak of Rimilidiha	Arrested on 05.3.99
(xiii)	Budhu Nayak of Nischintpur	
(xiv)	Peon Tudu of Rimilidiha	Arrested on 05.3.99
(xv)	Trinath Nayak of Rimilidiha	Arrested on 05.3.99
(xvi)	Kartik Lohar of Boring	Arrested on 25.2.99
(xvii)	Abhi Mahanta	
(xviii)	Makara Mahanta.	

5.10.5 Of the above six arrested by Crime branch Kartik Lohar, Suratha Nayak and Uma Kanta Bhoi disclosed to having taken part in the conspiracy as also actual crime and their disclosures statement u/s 161 CrPC are at Trinath Nayak and Peon Tudu confessed to having taken part only in the mid - day conspiracy meeting at Remilidiha whereas Renta Hembram totally denied any involvement.

5.10.6 It is submitted that the same is corroborated by the Case diaries given by mr S.C.Bala and in his affidavit which is marked as Exhibit 51/1

Investigation by CBI

5.11.1 The investigation of the case was transferred to CBI and the case file was handed over on 7.4.99 by S.C. Bala to Inspector A. Sahoo of CBI. Two

persons namely Ojen Hansda and Chanchu Hansda both resident of village Manoharpur, Anandpur PS, Keonjhar district have been arrested by CBI on 28.4.99. Further investigation by the CBI continues. The State Government has announced a reward of Rs. 1 lakh for the arrest of Rabindra Kumar Pal @ Dara Singh. CBI has separately declared a reward of Rs. 5 lakhs for the arrest of Dara Singh and 1 lakh each for Dipu Das and Anirudh Dandpat @ Andha Naik and Rs. 50 thousand each for some others.

5.11.2 It is submitted that documents tendered and evidence given by Loknath Behera Substantiates the above position.

Submission:

5.12 It is submitted that the evidence in before the commission both oral and documentary indicate that various persons have participated in the crime under the leadership of Dara Singh ,the exact role of these persons would only be ascertained after further investigation. The evidence before the commission is being reduced to a chart for the sake of brevity and convenience.

Witnesss No 28-Srikant Purthy	The witness has given a statement under section 164 Cr PC The witness speaks about the preparation for the crime At page 2 of his deposition he names Dipu Das,Kartik Lohar,Andha naik,and Dara Singh. He then at page 3 he names Ojen hansda, Chenchu hansda,Mahendra hembram and renta hembram of manohar pur, mahadev Mohantta and Madhu Mohanta of Bhalughera, Umakanta Bhoi and Ganeshyam Mohanta of Gayalmunda , Suratha naik of Rimilidiha , Bhudunaik of Nischintapur,Andha naik of Baliposhi and Dara Singh he says he knows

	these people as they belong to neighbouring villages and that he has seen them at various weekly markets. Pleease refer to his 164 statement
Witness No 29 –Purnachandra Mohanta	He names Dara and says that Dara had asked him to accompany him to Manoharpur.. ref to his 164 statement
Witness no 34 Debendra Mohanta	He speaks of Dara and Dipu das Please refer to his 164 statement.
Witness no 36 Satya Soren	He speaks about Dara, Surathanaik, Peon Tudu, Trinath naik,ogen and Chenchu
Witness No 40-Mathai Marandi	He identifies Ogen and Chenchu as well as the Photograph of Dara Singh although he does not name him. He says dara Was wearing a white Kurtha and Lungi and was carrying an axe He was giving direction to the Mob.
Witness no 41-Ragunath Dehury	He identifies Dara Singh from the Photographs marked exhibit18/4 and 31/1
Witness No 42-Solomon Marandi	He identifies Dara Singh and says " I have not seen anybody present in the Mob except Ogen and Chenchu earlier…after seven to eight days of the incident when the posters having the photgraph of dara singh was put up by the police, I knew that he was one of the persons present in the mob.
Witness no 44-Rajendra Hembram	He names Ogen and chenchu , Mahendra Hembram,Renta Hembram, Mahdev Mohanta, Madu Mohanta, Ghanashyam Mohanta, Budu naik, suratha naik, Karthik Lohar Andha Naik, Dipu Das and Dara Singh(Dara Bhai)
Exhibits	Ex 7/2 Oriya afidavit of Ralia Soren Ex 7/3 Photocopy of FIR Ex 15/2 FIR

From case Diary:	At page 996235—That people had seen Dara Singh at Manohar pur.

	At p.996240-he was seen moving in Manoharpur during the drama competiton. Page 95983—arrest of accused Suratha Naik and Peon Tudu revealed that they were a part of the preparatory meeting with dara singh Page 95990 –included Ogen and chenchu of manohapur.
161 statements	1. Satya Soren
	2. Uma kantha Bhoi-(accused)-
	1. Surathanaik(accused) speaks of Dara,Rabisoren Peon Tudu,Laxman Tudu,ojen and chenchu,Andha naik, Ganeshyam Mohanta Budhi naik,Dilip sonar and Karthik Lohar. 2. Peon tudu (accused)corraborated the above statement 3. Kartik Lohar (accused)-corraborates the statement of surath naik 4. Statement of Bala Hansdah—Participant to the dance refers to the names of Ogen and Chenchu Hansda 5. Bassi Tudu –refers to Ojen and chenchu 6. Jinu Soren –Participant in the dance names Ogen and Chenchu 7 Digi Hembrem participant in the dance refers to Ogen and chenchu

Raids:

[7] The 161 statements referred to herinabove are only those which the counsel felt were most relevant. It is by no means exhaustive and not meant to indicate that no other statement mentions the names of the accused.

5.13.1 The State Government tendered documents to indicate that several raids had been conducted at Mayurbhanj and Keonjhar to arrest Dara Singh and his associates both before and after the incident. Papers furnished by the State Government indicate that in all 173 raids were conducted.

Mayurbhanj	- 65
Mayurbhanj	- 25
Keonjhar	- 83.

5.13.2 The above raids were for the purpose of nabbing Dara Singh. The logical question is whether these raids were genuinely conducted or whether they proved to be ineffective?

5.13.3 It appears, to start with, that these were ineffective raids.

Witness NO.12, S.K. Upadhayay, says "The joint raid was conducted on 20.11.98 and some persons were arrested, but Dara Singh alluded the arrest. The reason for not arresting Dara Singh was that Mahanta caste people gave him protection and whenever he committed any crime, those people did not come forward to help the police. Rather, they gave him shelter and did not give information." Later the witness says :- "I am aware that Inspector Khan had conducted raids to nab Dara Singh and that was on my directions. I do not exactly remember during which period raids were conducted by Inspector Khan."

"Q. Did you ask the Superintendent of Police, Keonjhar for the photograph of Dara Singh?

A. Attempts were made to obtain the photograph of Dara Singh from the bordering Officer-in-Charge of Keonjhar district. I do not remember if any photograph was in fact obtained."

5.13.4 The above evidence of Upadhayay indicates that the State police was not serious in arresting Dara Singh. It is shocking to learn that Mahantas could be blamed for the police inability to arrest Dara Singh. In any event that could hardly explain the police inadequacy. The photograph was actually obtained only sometime in January, 1999 presumably after the incident. Pradeep Kapur, Superintendent of Police, Mayurbhanj was looking for photographs of Dara Singh. It is unimaginable how raids were conducted without the photograph or unaccompanied by people who new the identity of Dara Singh clearly.

5.13.5 Pradeep Kapur (Witness No.24) in his evidence says that :-

"I have not met Dara Singh personally though I saw his photograph after the incident, may be a day or so. In the meeting on 7.1.1999 it did crop up in the discussion that we should have photograph of Dara Singh. Keonjhar District police informed me that they have photograph of Dara Singh. Dara Singh was arrested by Keonjhar Police in some cases and he was on court bail.

After 23.1.1999 we have conducted more than 60 raids to apprehend Dara Singh. Before a raid is conducted first step is to get intelligence, second

step is to send a person to study the topography of the area and the third step is to organise the raid by constituting a team."

In response to a question whether the description of Dara Singh was provided to the members of the team, Kapur says 'Yes' quickly that the description of Dara Singh being 5' 6" tall, 35 years, thin built, sunken eyes, long nose, beard, wears a churidar kurta and keeps a towel on his shoulder. But this description was not mentioned anywhere in the police record."

5.13.6 It is clear that Kapur's reflection was in any event drawn upon physionomy derived from the photograph.

5.13.7 **Arun Kumar Ray (Witness No.14),** Superintendent of Police, Keonjhar district in his evidence says that .

"Q. In para 12 of your affidavit you have stated that as many as 100 raids were organised last year and this year till date 75 raids have been organised to nab Dara Singh. Can you give any reason why those raids have been unsuccessful?

A. Due to delayed receipt of intelligence and difficult location, difficulties are being experienced. For the last about 10 days I am camping at Patna police station and I myself have taken part in 10 raids. I have seen the interview of Dara Singh in the T.V channel. I cannot categorically say if the person who gave the interview is Dara Singh. It is because of the fact that in the

interview a small portion of the face of the person has been shown."

5.13.8 When asked whether Dara Singh was the person who appeared in the Star T.V. channel "Aaj ki baat", he said he could not categorically state that the person who gave interview was Dara Singh. This indeed shows that even the Superintendent of Police was not clear whether the person who appeared on the TV was or was not Dara Singh. The same may be contrasted with unmistakable clarity with which Puran Chandra Mohanty (Witness 29) identified the same as Dara Singh both in the photograph as well as in the T.V. channel.

5.13.9 **Abdul Raquib Khan (Witness 17)** was the Circle Inspector , Karanjia at the crucial point of time. He has four police stations under him. Abdul Raquib Khan says interestingly " None of the police people in my area has seen Dara Singh...... I have not seen Dara Singh. None of the police people in my area has seen him. I have, however, seen his photographs. I got the poster with photograph of Dara Singh from State Police Headquarters. There was no description or photograph of Dara Singh in any police station under Karanjia circle prior to 23.1.99. The description of Dara Singh, however, finds mention in the case diary brought by me. The description of Dara Singh was given by one Ahmad in his statement recorded by the investigating officer. It was 'one person wearing white kurta and pajama with a white cloth on the shoulder and tilak on the forehead' This description was verified from Patna police station which confirmed that it was of Dara Singh."

5.13.10 In response to a question from the Commission that he had been continuously conducting raids to nab Dara Singh from July, 1998 to November, 1998, what was the reason that he could not be nabbed, he said "since it is a difficult arena and the districts of Mayurbhanj and Keonjhar are divided by two rivers and Dara Singh was also well acquainted with the area, he would always escape in the jungle"

5.13.11 The above evidence is tell-tale – (a) the police has been ineffective ; (b) there has been no serious effort to nab Dara Singh; (c) even his identity was clearly discussed by police itself (d) in any event the arena was not so difficult; (e) the nabbing operation requires topographical mapping which, obviously, was not even remotely attempted; (f) the very fact that the raid was always proceeded on intelligence information indicate that there was no serious and sincere effort to nab Dara Singh.

5.13.12 **Jogender Patnaik,** Sub-Divisional Police Officer, Anandpur, (Witness 18) in his evidence says

"After the incident in question, we did conduct many raids to nab Dara Singh, but we were not successful. At the time when we were conducting raids, we had the photograph of Dara Singh. I have brought the photograph of Dara Singh. This was given to me by Mr. Mohanty, Circle Inspector of Police, Sadar, Keonjhar on 23.1.1999 at Manoharpur itself. I do not know where from Mr. Mohanty has got this photograph. This photograph is marked as Ext. W-18/04. I have not indicated on this photograph of Dara Singh that it was given to me by Mr. Mohanty saying that this is the photograph of Dara

Singh....." Strangely, Mr. S.K. Mohanty denied having given the photograph of Dara Singh to Patnaik.

5.13.13 **Mahendra Kumar Dwivedi (Witness 19)** was the Officiating Superintendent of Police. He is permanent Deputy Superintendent of Police. He says that he cannot say that it is Dara Singh who gave interview. He also says that he is aware of deployment of forest guards in the forest of Keonjhar. On 23.1.99 He was aware that Dara Singh was involved in the incident that happened there. This he came to know after he arrived at the spot. He did not take any forest guard with him during any of the raids conducted to nab Dara Singh. Dara Singh is not being arrested so far because the area is full of forests and is inaccessible as roads are bad and we are not getting timely intelligence.

5.13.14 **B.B. Panda (Witness 22),** Commandant General Home Guards and Director General, Fire Services, Orissa, is very candid when he admits that raids may not be genuine. He christens them as 'paper raids'. It is also interesting to know that Panda called them as 'bogus raids'. Panda seeks to express anguish in the following words

"I am quite disturbed and perplexed that till date Dara Singh has not been apprehended. Investigation of such a crime is a challenge. Before I left the charge as DGP I was getting occasional reports from the crime branch about the progress of investigation of the case.

5.13.15 The inefectiveness of the raids is obvious from the fact that the principal accused is still at large.

Conclusion:

1. It is submitted that as the investigation is still in progress serious comment at this stagewould probably jeopardise the criminal Trial.

2. All that can be said at this stage is that due care and caution should have been exercised when recording the First information report and that it should have been recorded as soon as the investigating officer reached the spot.
3. It appears that the complainant had mentioned only three names but the police had included the names of five persons.
4. It also appears that the police recorded in the FIR that the church house was burnt when as a matter of fact it was actually not so.
5. Further it is evident that due care was not exercised by the Police and the forensic department while searching the spot and this might have resulted in the loss of several vital clues.
6. Finally the callous manner in which the local police arrested innocent persons and deprived them of their liberty deserves adverse comment by this hon'ble commission. The innefective nature of the raids and non arrest of the principal accused Dara Singh and his associates raises questions about the genuiness of the efforts made to nab them.

Rabindra Kumar Pal @ Dara Singh-His Background and Activities

6.1.1 The Investigation team of this Hon'ble commission has in its investigation report stated the following in respect of Dara Singh @ Ravindra Kumar Pal, the prime accused in the case[8]

6.1.2 Rabindra Kumar Pal was born in Kakur Bujurg village, Dibyapur PS, Oraiya district (earlier Etawah district), Uttar Pradesh. He passed matric in 1979, but failed in first year of inter college. He left his village for Delhi in 1981 in search of a job. It is stated that he worked in a Bata shoe-factory in Delhi for some time. From Delhi he went to Orissa in 1987 alongwith one Chitranjan Das, S/o Late Ramesh Chandra Das, R/o Rudhiapada village, Ghatgaon PS, Keonjhar district, Orissa, who was working with him. After that he visited his village during the marriage ceremonies of his sister (5 years ago) and his brother (2 years ago). The villagers are not aware of his activities in Orissa. As per the statement of his father, Mihilal of Kakur village (age 80 years), Rabindra Kumar Pal has four sisters and a brother. Mithilal is an agriculturist. Rabindra Kumar Pal is his elder son. Arvinder Kumar Pal, his younger brother, also corroborated the version of his father.

6.1.3 Ramesh Chandra Das @ Rama Das asked his son, Chitranjan Das to leave the job and come back to his village. Chitranjan Das left his job in 1987 and went back to his village. At that time, he was accompanied by his friend, Rabindra Kumar Pal. During his stay there, Rabindra Kumar Pal came to know that there was no Hindi teacher appointed in the Maliposi High School, which is nearby After staying for 15/20 days, Rabindra Kumar Pal went back

to Delhi/his village, but again came back to Rudhiapada, after about 1-2 months.

6.1.4 In his statement Bhakta Bandhu Das, brother of Chitranjan Das, stated that when Rabindra Kumar Pal came for second time, his father, Rama Das, allowed him to stay in their house, as Rabindra Kumar Pal was of good nature and liked by all members of his family. Rabindra Kumar Pal helped his father in his work and also worked in their agricultural field. Meanwhile, Rabindra Kumar Pal passed 'Kobida' course in Hindi as a private candidate. After that he taught Hindi in Maliposi High School for about six months. However, the Government appointed another Hindi teacher and so Rabindra Kumar Pal lost his job. While staying in Rudhiapada, Rabindra Pal used to help others also and so everybody fondly called him Dara Singh.

6.1.5 Since Dara Singh could not get a job and his expenditure could not be borne by the family, Ramesh Chandra Das asked him to go away from his house in the year 1991/92, Dara Singh left their house and started staying in the house of one Rabindra Mahanta of the same village. He helped Rabindra Mahanta in his clothes business by taking the clothes to the hats (weekly markets). There he stayed for a year and then left.

6.1.5 Later he stayed in the house of one Kalakar Bej of Maliposi village. He stayed there for 2 years. During his stay, he helped Bej in agricultural work and ploughing of land. After two years Dara Singh left Maliposi and started staying with one Chaturbhuja Mahanta of Khuntapada village. Chaturbhuja Mahanta is a member of Bajrang Dal and a BJP worker. During his stay there,

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[8] See final report of the investigating teem at paras 30 pages 41-53

Dara Singh used to come to Kuaposi and other nearby villages and teach martial art (lathi drill) to children. Dara Singh and Chaturbhuja jointly installed a statue of Lord Hanuman at Kuntapada Chowk and named it as 'Hanuman Chowk.'

6.1.7 Thereafter he was moving in the villages located in Patna, Turumunga, Ghatgaon PS areas and villages bordering Keonjhar district along Tel river, but falling under Thakurmunda, Karanjia and Mahuldiha PS areas of Mayurbhanj district. During that period Dara Singh stayed in the house of Kali Mahanta of Bonbir village for some time and later-on shifted to the house of Nari Naik of Tel Nadi Sahi and stayed there for about eight months.

6.1.8 From 1996 to 1998, he was involved in several cases. In 1997, he was arrested by the police of Patna PS for detaining and damaging the cattle loaded truck and for threatening the cattle owners/traders. During the 1998 Lok Sabha Elections, Dara Singh was campaigned for BJP candidate.

6.1.9 Rabindra Nath Mahanta stated that Dara Singh stayed in his house for a year. After that he stayed with Kalakar Bej of Moliposi village. He further stated that Dara Singh used to roam around all weekly market places. He also imparted training of martial art (lathi drill) in Sadhupada, Kuanposi and Mangalpur villages. Those who took part in the training used to wear 'mitty' (mud) colour pant and white shirt and tied a red ribbon on their heads.

6.1 10 Kalakar Bej stated that Dara Singh stayed in his house during 1992-1994 and helped him in cultivation work. After that he moved to Kuntapada village and stayed with Chaturbhuja Mahanta of Kuntapada. He further stated that he was aware that Dara Singh was arrested by Patna PS for detaining

and damaging a cattle loaded truck at Mangalpur Chowk alongwith the Bajrang Dal and Vishwa Hindu Parishad workers of Kuanposi in 1997 He had also seen Chaturbhuja Mahanta and Dara Singh going on their bicycles alongwith others for canvassing in favour of BJP candidate during the Lok Sabha Elections 1998. They carried the flag with lotus symbol on their cycles.

6.1.11 Purna Chandra Mahanta stated that he knew Dara Singh for the past three years, as Dara Singh was staying in the house of Kali Mahanta of his village and in the house of Nari Naik of Tel Nadi Sahi village. Dara Singh used to move nearby hats and was without work. He was getting the things from the shopkeepers in the hat free of cost. He used to consume liquor frequently.

6.1.12 Shri S.K. Mohanty, Circle Inspector, Sadar, Keonjhar district has submitted a confidential report dated 9.1.99 (Ex.19/20), to the SP, Keonjhar district, mentioning the above details and also added that Dara Singh used to attend RSS camps in Patna, Turumunga, Champua, Ghatgaon PS areas of Keonjhar district, Karanjia, Thakurmunda, Maholdiha, Rai Rangpur, Jasipur Police Station areas of Mayurbhanj district. During that period, he came in contact with RSS leaders, especially with Sushil Chand Mahanta of Timrisahi, PS Turumunga, who was Bajrang Dal Pramukh of Patna Block. He further stated that the RSS and Bajrang Dal workers were making propaganda to save cattle against cow slaughtering and protested transportation of cattle by the Muslim traders either by foot or by vehicle to Mayurbhanj district/Bhadrak district. Since Mahanta caste people are worshipping the cattle, they supported the move. Dara joined hands in the move and took leadership. So

Mahanta caste youngsters considered Dara to be their godfather in saving the cattle from the Muslims and started supporting him. Dara Singh was supported by youngsters in the villages located in the Patna, Turumunga, Ghatgaon PS areas and the villages bordering Keonjhar district across Tel river, but falling under Thakurmunda, Karanjia and Maholdiha PS areas of Mayurbhanj district.

6,2 Criminal involvements of Dara Singh

6.2.1 The name of Dara Singh came on police record for the first time in the year 1996. Dara Singh was involved in 11 criminal cases and one non-FIR case u/s 110 CrPC (excluding the Manoharpur village case), out of which 8 cases relate to Keonjhar district and 4 cases relate to Mayurbhanj district. Out of the 11 criminal cases, Dara Singh is named in FIR in 5 criminal cases and his involvement was found during investigation in other 6 criminal cases later. Charge-sheet has been filed in 8 cases and 3 cases are still pending investigation. He was shown as an absconder in 6 cases. Brief account of the cases is given below

6.2.2 FIR **No. 71/96** u/s 143/149/294/323/341/363/379 IPC dated 23.9.96, Patna PS, Keonjhar district[9]

(i) It is a cross case of FIR No. 70/96 u/s 468/420/143/149/294 IPC and Section 11(1) Prevention of Cruelty to Animals Act dated 23.9.96 Patna PS, Keonjhar district. The complainant of the case is Sk. Mafu, S/o Sk. Ali, r/o Deogaon, Badampahad PS, Mayurbhanj district.

(ii) On September 21, 1996 around 11 pm, Dara Singh, alongwith 25/30 others intercepted some cattle traders of Tentaposi village between Maliposi and Saharpada while they had come with the bullocks purchased from Harichandanpur weekly market for sale at hat badla market. The complainant reported that BJP leader Dara Singh and others detained their bullocks, abused and assaulted the labourers and took away the cattle. They also tied four labourers and had taken them towards the jungle. During the investigation, final report No. 80 dated 11.11.96 was submitted, stating that the allegations could not be substantiated as there was a mistake of fact. No arrest was made.

(iii) A case FIR No. 70/96 u/s 468/420/143/149/294 IPC & Section 11(1) Prevention of Cruelty to Animals Act, dated 23.9.96, Patna PS, Keonjhar district on the complaint of Sushil Chandra Mahanta about the same incident. He alleged that he alongwith others intercepted some Muslim cattle traders while they were taking 127 cattle for slaughtering purpose. When they were told that cow slaughtering was illegal, they threatened him and his supporters. Since they could not produce the proper receipt for the purchase of cattle and cattle were maltreated, he lodged a report with the police. This case was also closed without any arrest, stating that the allegations

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[9] See the investigation team's report - annexure-35 (Volume II)

could not be substantiated, as there was a mistake of fact. Final report No. 79 dated 11.11.96 was filed.

6.2.3 FIR No. 80/97 u/s 147/148/341/323/325/342/427/506/294/379/149 IPC r/w 7 Crl. Law Amendment Act, dated 19.10.97, Patna PS, Keonjhar district[10]

(i) It is a cross case of case FIR No. 79/97 u/s 506 IPC and 11(1) Prevention of Cruelty to Animals Act and 192 MV Act Patna PS, Keonjhar district.

(ii) On 19.10.97, at about 4 am, while the complainant, Sk. Mantu, S/o Muhiuddin of Binjharpur village, Sayadpur PO, Jajpur district, driver of truck No. OR 04 9275, was going to Josipur, with a load of 36 numbers of cattle, near Mangalpur village, 15 to 20 persons, armed with axe, lathi, iron-rods, crowbars, obstructed the road and stopped the truck. They abused him and other helpers in the truck. They assaulted them with lathis and he and other suffered injuries. The assailants took away the cattle and Rs.2,640/- from his pocket. They partially damaged the truck and cut the truck tyres and made holes in their fuel tank by means of axe and crowbar. On his report, the case was registered and investigated.

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[10] See Ex. S-1 (tender document)

(iii) During the investigation of case FIR No. 80/97, though the accused persons were not named in FIR, but Biranchi Kumar Mahanta and Naba Kishore Mahanta, being the complainants of the cross case, were arrested alongwith two others on 19.10.97 On their disclosure, the involvement of Rabindra Kumar Pal @ Dara Singh was also established. In all 6 accused persons, including Dara Singh, were arrested and 7 other were shown as absconders. Dara Singh was arrested on 10.11.97 in case FIR No. 83/97 Patna PS, Keonjhar district and arrested in this case also on the same day. After investigation, the charge-sheet No. 93 dated 13.12.97 was submitted to the Court.

(iv) A case was registered on the same incident, first vide FIR No. 79/97 [11]u/s 506 IPC and 11(1) Prevention of Cruelty to Animals Act and 192 MV Act, Patna PS, Keonjhar district, on the complaint of Biranchi Kumar Mahanta, R/o Kuaposi village, Patna PS, Keonjhar district. In his complaint, he claimed himself as a worker of Bajrang Dal and stated that he alongwith his other party workers, Rabindra Kumar Pal @ Dara of Maliposi, Mohan Sunder Mahanta of Badjambosi village and Krushna Chandra Mahanta of Kothaghar, after receiving information that a truck carrying cattle was to come to Mangalpur crossing, went there and detained the truck. While

[11] See Ex. 14/3 being copy of the First Information Report.

they asked the driver about the destination and the numbers of cattle, the vehicle driver threatened to assault them with a crowbar. He also threatened them with dire consequences. As he and other workers had seen 36 cattle heads were in the truck, he lodged a report with the police.

(v) During the investigation of the case FIR No. 79/97, driver Sk. Mantu was arrested and charge-sheet No. 94 dated 13.12.97 was submitted to the Court.

6.2.4 FIR No. 83/97 u/s 392 IPC dated 9.11.97, Patna PS, Keonjhar district[12]

(i) The complainant, Ramesh Chandra Giri,[13] S/o Jogi Giri, R/o Erendei village, Patna PS, Keonjhar district, lodged a report with the police that he and one Duryodhan were coming to his village with 17 Nos. of cattle, purchased by him and some other persons from Harchanderpur weekly market. On 7 11.97, at about 2.30 pm, at Rajabanda, near Kumudbahali village, they were intercepted by Dara Singh and Mahender Bej of Maliposi village. They restrained them by telling that the complainant was taking the cattle for sale to Muslims and they would not allow him to do so. They also threatened to kill, if he took the cattle alongwith him. Dara Singh and his accomplice showed lathi and bhujali and took away the

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[12] See Ex. S-3 (tender document)
See statement recorded by the IF Volume-III

cattle from the complainant forcibly. They demanded Rs.700/- for release of the cattle. On this report, the above case was registered and investigated.

(ii) During investigation, the accused Dara Singh @ Rabindra Kumar Pal was arrested and Mahender Bej was shown as absconder and charge-sheet No. 2 dated 13.1.98 was submitted to the Court.

(iii) In his statement to the IT, Ramesh Chandra Giri, complainant of the above case corroborated the FIR and further added that Dara Singh claimed himself as a Bajrang Dal member and he told that he would leave the cattle at the police station. He, alongwith other villagers of his village Erendei, apprehended Dara Singh and handed him over to the police.

6.2.5 Non-FIR-96 u/s 110 CrPC dated 11.11.97, Patna PS, Keonjhar distrct

(i) After arresting Dara Singh in case FIR No. 80/97 and 83/97 and taking into consideration of the anti-social activities of Dara Singh, the Officer in-Charge of Patna PS, S.I. N.C. Dandasena, prepared a non-FIR case u/s 110 CrPC against Rabindra Kumar Pal @ Dara Singh.

(ii) Later-on Rabindra Kumar Pal @ Dara Singh was released on bail by the Court in all the three cases (FIR Nos. 80/97 and 83/97 and non-FIR No.96 u/s 110 CrPC, all of Patna PS, Keonjhar district) on 27 11.97

6.2.6 FIR No. 19/98 u/s 341/323/307/427/34 IPC dated 19.2.98 Patna PS, Keonjhar district[14]

(i) The complainant, Shri Bidyadhar Das, Chairman, Patna Panchayat Samiti, R/o Swam Patna, Patna PS, Keonjhar district (Congress-I leader), reported that while he, alongwith two other persons, was coming in a trekker No. OR 06 2801 on 19.2.98 at about 11 am Dara Singh and Chaturbhuja Mahanta of Kunthapada obstructed his vehicle by putting big stones on the road. Both the assailants, armed with lathi, bhujali and stones, attempted to kill him. They pelted stones, as a result of which the window glasses were damaged. They assaulted his driver and he also sustained injury on his left hand. The assailants abused him and threatened to kill him. He also reported that both of them are of BJP party and had assaulted on the instigation of Kîrtan Behari Sahu and other BJP leaders. On this report the above case was registered.

[14] See Ex.S-3 (tender document)

(ii) During investigation, Chaturbhuja Mahanta was arrested. In his disclosure it was recorded that he, alongwith Dara Singh, intercepted the cattle traders and detained the cattle in the name of Bajrang Dal and BJP in Thakurmuna, Mohaldiha of Mayurbhanj district and Patna PS of Keonjhar district.

(iii) In his statement tc the IT, complainant Bidyadhar Das stated that Chaturbhuja Mahanta and Dara Singh are known BJP workers and threatened to kill him since long.

(iv) The charge-sheet No. 83 dated 12.10.98 was submitted to the Court. Dara Singh was shown as an absconder.

6.2.7 FIR No. 16/98 u/s 294/353/448/379/34 IPC dated 6.3.98 Ghatgaon PS, Keonjhar district[15]

(i) Nilambar Behera, forest guard, Tando Beat, Ghatgaon PS reported that on 5.3.98 at about 8.30 pm, Dara, Govinda Naik of Badmahuldiha and Pratap Mohakud of Pichhulabeda, alongwith 20-25 person, came to his house, abused him in filthy language, deterred him from discharge of his official duties and forcibly took

away the seized cycles. On his report, the above case was registered.

(ii) During investigation, accused persons Govinda Naik and Pratap Mohakud surrendered in the Court.

(iii) In his statement to the IT, complainant Nilambar Behera stated that he knew Dara Singh as he used to come to the house of Narender Mahanta of Jamulibeda village.

(iv) Accused persons, Govinda Naik and Pratap Mohakud were formally arrested and Dara Singh was shown as absconder. After collecting evidence the charge-sheet No. 32 dated 15.6.98 was submitted to the Court.

6.2.8 FIR No. 46/98 u/s 47/148/294/323/506/379/149 IPC turned to 395 IPC dated 16.3.98 Sadar PS, Keonjhar district

(i) The complainant, Haguru Gadsara, s/o Ranga Gadsara, r/o Rangamatia village, Rairangpur PS, Mayurbhanj district, that on

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[1] See Ex. S-5 (tender document)

16.3.98 at about 2 pm, while he and other cattle traders, were coming alongwith 32 bullocks and 2 cows, they were intercepted by 13 persons, armed with lathies near Beldaghati jungle. They assaulted him and others with lathies and abused them in filthy language. The assailants were having vermillion on their foreheads and identified themselves as BJP boys. They threatened to kill them if they carry cattle. They forcibly took away the cattle and snatched Rs.700/-. On his report, the above case was registered and taken-up for investigation.

(ii) During the investigation, the involvement of Dara Singh and his associates was established. The examination of the receivers of the looted property by the I.O. revealed that Dara Singh and his associates belongs to BJP and Bajrang Dal. The persons arrested later-on disclosed that they are Bajrang Dal workers.

(iii) During investigation, 12 persons were arrested and 3 persons, including Dara Singh are absconding. The case is still pending investigation.

6.2.9 FIR No. 34/98 u/s 341/323/379/427/148/149 IPC dated 28.6.98 Thakurmunda PS, Mayurbhunj district

(i) The complainant, Sk. Mantu s/o Maizuddin r/o Aswureswar village, Salepur PS, Cuttack district, driver of truck No. OR 04 9275, reported that while he and his helpers were coming from Salepur to Jashipur in his truck, loaded with cattle on 28.6.98 at about 7 am, the truck was intercepted by a group of 10/12 persons, by putting wooden logs on the Karanjia road, at a distance of 9 km from Thakurmunda. They were armed with lathies, bows, arrows and crowbars. They all assaulted him and his helpers with lathies. The miscreants damaged the truck and the fuel tank was pierced with a crowbar. They also took away the cattle, his driving licence, documents of the vehicle and cash Rs.1,500/-. On his report, the above case was registered and taken-up for investigation. During the examination of witnesses, it was established that the leader of the group was wearing Punjabi kurta and vermillion on his forehead.

(ii) During the investigation, the involvement of Dara Singh and others was established.

(iii) After investigation, the charge-sheet No. 38 dated 4.9.98 was submitted to the Court, showing five accused persons, including Dara Singh as absconders.

6.2.10 FIR No. 91/98 u/s 147/148/149/341/435 IPC dated 16.8.98 Karanjia PS, Mayurbhanj district[16]

(i) The complainant, Sk. Nazar, s/o Sk. Bhikari r/o Baujang village, Balichandrapur PS, Jajpur district, driver of truck No. OR 04 9275, reported on 16.8.98, that while he was coming with cattle in his truck from Chandikhol to Jashipur on Thakurmunda-Karanjia Road near Kendumundi Crossing at about 8 am, a group of persons armed with lathies, bows, arrows, obstructed the truck by putting logs and stones on the road. When the truck was forcibly stopped, he and his helpers fled away from the spot out of fear. The assailants set fire to the truck and decamped with the cattle. They also took away Rs.4,000/- cash from the cabin.

(ii) During investigation, many witnesses have been examined. The examination of witnesses established the involvement of Dara Singh and his associates in this case. Five accused persons, including Chaturbhuja Mahanta, were arrested. In his disclosure, Chaturbhuja Mahanta stated that Dara Singh was involved in this case and he was moving from village to village in Patna and Turumunga areas and claiming himself to be leader of Bajrang Dal.

[16] See Ex. S-10 (tender document)

(iii) The case is still pending investigation.

6.2.11 FIR No. 24/98 u/s 147/148/435/307/149 IPC turned to 396/412 IPC dated 15.9.98 Mahuldiha PS, Mayurbhanj district[17]

(i) The complainant, Mobin Mohamad, s/o Kayum Mohamad, r/o Nuagopalpur village, Balanga PS, Puri district, reported that on 14.9.98, he was coming from Niali to Jashipur, alongwith his helpers Sk. Imam and others in his cattle loaded truck No. WB 11 9869. At about 3 am in the night 14/15.9.98, near Gadabhanga Ghat on Anandpur-Karanjia Road, the vehicle was stopped, as a tree was placed on the road to block the movement of the vehicle. When he stopped the truck, a group of 20 to 30 persons, armed with bows and arrows, surrounded the vehicle. They pelted stones and shot arrows on the vehicle. The miscreants assaulted the driver and his helpers with lathies, etc. They forcibly took away the cattle and set the truck on fire with the diesel taken from the diesel tank. On his report the above case was registered and investigated.

(ii) During investigation, the investigating officers, established the involvement of Dara Singh and his associates in the case. 11 accused persons were arrested so far. The disclosure of the

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See. Ex. S-9 (tendered document)

accused persons also established the involvement of Dara Singh in the case.

(iii) After investigation, charge-sheet No. 1 dated 16.2.99 was submitted in the Court against 14 accused persons. 11 persons were arrested and 3 others, including Dara Singh, were shown as absconders.

6.2.12 FIR No. 123/98 u/s 395 IPC dated 15.11.98 Karanjia PS, Mayurbhanj district

(i) The complainant, Haji Mirza Nizam Baig s/o Late Mirza Maniur Rahaman Baig r/o Ward No. 5 of NAC Karanjia, Karanjia PS, Mayurbhanj district, in his report, stated that he sells woollen garments in local weekly markets. On 15.11.98, he had opened a shop at Kendumundi hat, around 3 pm, about 100-150 persons, armed with bala, lathies, bhujalis, etc. surrounded his shop and abused him. At the point of bhujali, the miscreants looted his shop and decamped with woollen clothes worth Rs.85,000/- and Rs.10,000/- in cash.

(ii) During the investigation, many witnesses were examined. The witnesses stated that the miscreants shouted slogans 'Jai Bajrang

Bali' and one of them was called 'Dara Singh Bhai' He was wearing churidar Punjabi kurta, having whistle and vermilion on his forehead. The assailants were wearing saffron ribbons on their foreheads. On the same day, 4 accused persons were arrested and yellow ribbons were recovered. They disclosed the involvement of Dara Singh and his association with Bajrang Dal. In his statement before IT, Mirza Nizam Baig corroborated the FIR. He further added that the assailants were shouting slogans 'Jai Siyaram' and his shop was attacked because he was a Muslim. Dara Singh was leader of the attackers.

(iii) After completing the investigation, charge-sheet No. 20 dated 12.2.99 was submitted against 23 persons. 11 persons were arrested and 12 others were declared as absconders.

6.2.13 FIR No. 1/99 u/s 395 IPC dated 5.1.99 Patna PS, Keonjhar district[18]

(i) The complainant Sk. Naseem s/o Sk. Siddiqui r/o Mandua, Karanjia PS, Mayurbhanj district, reported that he sells readymade clothes in weekly markets. On 5.1.99, when he was coming back in his moped, carrying a bundle of clothes, at about 6.30 pm, he was intercepted by 3/4 persons, near the jungle on Kamarmara Road.

They assaulted him with a wooden plank. They forcibly took away his clothes bundle and Rs.2,500/- cash. One of the assailants seems to be Dara and others seems belong to Bajrang Dal. He knew Dara, as he came to his shop in the Dhamuhuda hat at 2 pm on the same day alongwith some others and watched him.

(ii) During investigation, one accused, Narender Mahanta of Jamaleibeda, Ghatgaon PS was arrested and involvement of Dara Singh was established. The case is still pending investigation.

6.2.14 Evidence before the commission:-

The evidence before the commission broadly corraborates the above findings:-

(i) Santosh Kumar Upadhayay (Witness No.12) formerly Superintendent of Police, Mayurbhanj, corroborates the evidence in respect of the cases registered at Thakurmunda, Mahuldia and Karanjia police stations against Dara Singh. He further states that investigation in these cases has revealed the presence of Dara Singh. He refers to a meeting dated 20.11.1998 wherein the DIG Eastern Range and the Superintendent of Police Keonjhar participated. He stated that common people in the area had a fear psychosis in respect of Dara Singh and the reasons for which he could not be arrested were paucity of force and lack of intelligence.

[18] See Ex. S-7 (tendered document)

The witness also proved Ex.12/2 which was a letter written to the Special IG of Police, Cuttack dated 21.11.1998 on the activities of Dara Singh who was described as an active worker of the Bajrang Dal. Reference is made in the letter also to the various cases registered against Dara Singh in the district of Mayurbhanj. He also proved letter dated 16.9.1998 which referred to Mahuldia PS case No.24 dated 15.9.1998.

(ii) **Mr Arun kumar Ray (W-14)** the Superintendent of Police of Keonjhar(witness no 14 corroborates the investigation of the investigation team in respect of the cases registered against Dara in Keonjhar ..He further proved the document described as the First Information Report in Patna PS 79/97 which was marked as exhibit 14/2 and the translation thereof in english was marked as Exhibit 14/3. The witness also produced the records of the DIB in respect of Dara Singh which were marked as 14/5(a) – 14/5 (d) These reports were in respect of his anti cow slaughter activities. The Witness also proved Cipher message dated 14/6 which corroborates the investigation by the investigating team that the incident Damanhuda Hat was done by anti socials under the leadership of Dara Singh. The witness also refers to the Cipher message from the administration at Mayurbhanj dated 16.1.99 wherein it is stated that Dara Singh has not yet been arrested and that breach of peace was likely in the near future. This message is marked as exhibit 14/7 The witness also proves exhibit 14/8 which is a message from the District Administration at Keonjhar tc the administration at Mayurbhanj indicating that Dara is moving in the Thakurmunda area.

(iii) Jogendra Patnaik (W-18)_The Subdivisional Police officer at Anandpur states that he flashed a VHF message dated 23.1.99 which is marked as exhibit 18/2 for the arrest of Dara Singh who was involveds in cases in Patna, Ghatgaon and Sadar Ps of keonjhar and Kaqranjia,Thakurmund and Sadar PS of Keonjhar Districts. The Witness also proved letter dated 7 12.97 marked as Exhibit 18/3A which is a letter from the SP keonjhar to the Under secretary to the government and which makes reference to the cases referred to in the report of the investigating team.

(iv) Mr D.K. Mohapatra (W-22) The Director General of Police proves special branch memeorandum dated 25.11.98 which is marked as exhibit 22/4(a) wherin it is mentioned that Dara Singh is a man from Uttar pradesh and is involved in dacoity and unlawful activities at Thakurmunda, Mahuldia Karanjia and Keonjhar. The memorandum further states that He speaks himself as a staunch supporter of the bajrang dal"

(v) Mr Saurab Garg (W-23) Collector Keonjhar in his report marked as exhibit 23/4 corrroborates the findings of the investigating team in respect of his background and the cases registered against him.

(vi) Mr Pradeep Kapur (W-24) The superintendent of Police Mayurbhanj in his affidavit marked as exhibit 24/1 annexes cipher message dated 6.1.99 wherin the incident at damahuda hat is related to Dara Singh. The witness also referred to letter dated 19.1.99 in respect of the movements of Dara Singh in Thakurmunda

(vii) Mr Lalith Das (W-26) former SP of Keonjhar also broadly corroborates the findings of the investigating team.

6.2.15 Non official witnessess before the commission who speak of Dara Singh:

The following table shows the evidence of Non official wittnesses who broadly corroborate the evidence of the IT in respect of the Bacground and activities of Dara Singh.

Witnesss No 28-Srikant Purthy	The witness has given a statement under section 164 Cr PC The witness speaks about the preparation for the crime . At page 2 of his deposition he names Dipu Das,Kartik Lohar,Andha naik,and dara Singh. He then at page 3 he names Ojen hansda, Chenchu hansda,Mahendra hembram and renta hembram of manohar pur, mahadev Mohantta and Madhu Mohanta of Bhalughera, Umakanta Bhoi and Ganeshyam Mohanta of Gayalmunda Suratha naik of Rimilidiha , Bhudunaik of Nischintapur,Andha naik of Baliposhi and Dara Singh he says he knows these people as they belong to neighbouring villages and that he has seen them at various weekly markets. He says he can identify Dara singh as he had seen him in his house and that he had seen him on the previous day. The witness further states that
Witness No 29 –Purnachandra Mohanta	He names Dara and says that Dara had asked him to accompany him to Manoharpur.He says he Knows dara Singh for the last three years and that he can identify him. He identifies Dara from the TV-cliiping of AAJ ki Baat.
Witness no 34 Debendra Mohanta	He speaks of Dara and Dipu das and says he knows dara Singh and has

	spoken to him. He says that he has seen Dara in a RSS camp. He further stated that he had met Dara on 23.1.99
Witness no 36 Satya Soren Sushil Kumar Agarwalla	He speaks about Dara, Surathanaik, Peon Tudu, Trinath naik,ogen and Chenchu He states that he can identify dara and also identifies his photographs. He states that he knows Dara Singh personally, that he met him first in 1990-91, he has met him twice thereafter and can recognise him (he however did not identify the person in the programme 'Aaj ki baat' and that Dara was working for the BJP in the Patna PS area. He also met the Collector, Keonjhar to convey a message about Dara Singh's surrender "that if some arrangements were made, Dara would surrender".

6.3 Intelligence available with the state Police on the antecedents and the activities of Dara Singh:-

6.3.1 It is submitted that the District administration in the districts of Mayurbhanj and Keonjhar had adequate intelligence about the movements and activities of Dara Singh. The State administration was also made aware of the growing menace that he was becoming in the two districts. This is evident from the following documents which have been marked as exhibits before the commission

Exhibit No	Document

Exhibit 12/2	Letter dated 21.11.98 from SP Mayurbhanj to Special IG (admn) referring to the activities of dara Singh
Exhibit 13/2	Letter dated 11.1.99 from SP keonjhar to DIG (admn) regarding the involvement of dara singh in various crimes.
Exhibit 14/5(a)	From DIB Keonjhar to SP Keonjhar regarding the activities of Dara Singh
Exhibit 14/5(b)	Report of the OIC Thirumunga dated 7 10.1996 to the SP Keonjhar on the activities of Dara Singh and his associates.
Exhibit 14/6	Cipher Message dated 6.1.99 from the SP and DM Mayurbhanj to the SP and DM Keonjhar regarding dara Singh
Exhibit 14/7	Cipher message dated 16.1.99 from the SP and DM mayurbhanj to the SP and DM Keonjhar reiterating the need to arrest Dara Singh

Exhibit 14/8	Cipher message dated 17 1.99 from the DM and SP Keonjhar to the DM and SP Mayurbhanj regarding the movements of Dara Singh in Thakurmunda area.
Exhibit 18/3A	Letter dated 7 12.97 from the SP keonjhar to the Under secreatary home regarding inter -alia the activities of Dara singh
Exhibit 19/20 & 19/20(a-d) Ex. No. 19/21 Ex.19/22	Being the report dated 9.1.99 from SK Mohanty CI Sadar, Keonjhar Dist. –The report gives a complete list of the cases against Dara Singh Letter dated 8.10.96 from DIB, Keonjhar to SP Keonjhar. Letter from the DIB, Keonjhar to SP, Keonjhar.
Exhibit 21/3 and 21/3 A	DIB Keonjhar reports dated 8.10.96

	regarding the activities of dara Singh
Exhibit 21/4 A	Copy of the special branch report dated 25.11.98 regarding the activities of Dara Singh
Exhibit 23/5	Letter dated 11.1.99 from acting SP keonjhar to DM keonjhar enclosing the report of CI sadar
Exhibit 24/3	Letter from IIC karankjia to SP mayur Bhanj dated 24/3

6.3.2. On a reading of the evidence gathered by investigating team as well as oral and documentary evidence before this honourable commission, it is clear that Dara Singh was involved in number of crimes in the districts of Mayurbhanj and Keonjhar. Six cases were pending against him in Keonjhar district and four in Mayurbhanj district. Three non FIR cases were also pending. There was also a proposal to detain him under the National Security Act. Several intelligence reports have also

detailed his activities and emphasised the urgent need to arrest him. But alas Dara still remains as an absconder. The only inference that can reasonably drawn is that if the police and district administration had got their act together and arrested Dara things in the district would have been different. They have allowed a criminal to feel that he is invincible and there has been a total breakdown of the law enforcement machinery. In sum the carnage at Manoharpur was an avoidable tragedy and the District Police of both the districts must share a large part of the blame for the incident and for the unchecked growth of Dara Singh.

Rabindra Kumar Pal @ Dara Singh's association/ affiliation with Bajrang Dal and other organisations:

The finding of the Investigating team regarding the association of Dara Singh with any organisation or outfit is a s follows:-

The IT probed to find out whether Bajrang Dal exists in Keonjhar and Mayurbhanj districts or not and also to find out Rabindra Kumar Pal @ Dara Singh's association. Reports from DM and SP, Mayurbhanj and D.M. & S.P. Keonjhar have also been called for.

The name Dara Singh and Bajrang Dal have been mentioned in FIR No. 9/99 of Anandpur PS. It also mentions that Dara Singh had been seen moving in the village two days before the incident. Therefore, it is believed that Dara Singh and supporters of Bajrang Dal might have committed this crime.

During the course of investigation, Ralia Soren[19] did not corroborate about hearing the slogan of Bajrang Dal. Other witnesses also have not heard the slogan 'Bajrang Dal Zindabad'. Ralia Soren was supposedly told by Mathai Marandi and Martha Marandi, W/o. Samson Marandi of Manoharpur village, Anandpur PS, about the shouting of slogans. However, Mathai Marandi and Martha Marandi stated that they heard the slogans 'Jai Bajrang Bali' and 'Dara Singh Zindabad'. These two slogans were confirmed by other witnesses also. Rolia Saran also denied having seen Dara Singh prior to the incident and he does not have any personal knowledge about his movements.

Pratap Chandra Sarangi s/o Late Shri Gobind Chandra Sarangi r/o Gopinathpur, Nilgiri, Balasore (Orissa), when contacted by IT at his Cuttack office on 15.4.99, orally stated that he is the State Co-ordinator of Bajrang Dal organisation of Orissa. His statement could not be formally recorded but he told that Bajrang Dal has been started in Orissa since 1993. Since then he is the State Co-ordinator. The State of Orissa was divided into 36 organisational districts for the functioning of Bajrang Dal. However, Bajrang Dal is active in only 26/27 organisational districts. Keonjhar district is divided into two organisational districts i.e. Keonjhar and Anandpur. Mayurbhanj district is divided into two organisational districts i.e. Baripada (HQ Udala) and Rairangpur. He further stated that Bajrang Dal is the youth wing of VHP and persons between the age group of 15 to 45 years can become member of Bajrang Dal by paying Rs. 5/- per year. Though VHP and Bajrang Dal are having different organisational set-up, they work together in implementing various programmes like 'Go Suraksha', etc. In the organisational set-up at the State level, State Co-ordinator and a State-level committee exist. At Distt. level the District Co-ordinator is assisted by two sub co-ordinators and Block level co-ordinators are also working within the district

Dara Singh is not a member of Bajrang Dal. This he had verified from local leaders of Bajrang Dal of Keonjhar and Anandpur districts. He does not

know Dara Singh. Only after the incident he learnt about Dara Singh. He had also filed an affidavit in this regard.

Chittaranjan Barik[20] stated that he is presently District Co-ordinator Baripada organisational district of Bajrang Dal. He is a teacher in Nagpal School. He stated that he has been a member of VHP since 1990. He assumed the charge of District Co-ordinator Bajrang Dal in August 1998. Bajrang Dal is the youth wing of VHP. In October 1998 a training camp of Bajrang Dal was held in Udala for a week under the leadership of Shri Pratap Chandra Sarangi, the state co-ordinator. He denied any knowledge of Dara Singh and said that Dara Singh is not a member of Bajrang Dal. He produced the leaft let issued in connection with 'Sourya divas' on 6.12.98.

Harihar Tripath stated that he is also a teacher in Nagpal School and he is an active member of VHP. At present he is Secretary of Satsang Centre, Udala. He denies any knowledge of Dara Singh or having heard about him prior to the incident. He produced a blank VHP application form and booklet on work and programme of VHP, Orissa.

Nabin Kumar Ram stated that he was the President of Bajrang Dal from 1995 to 1997 of Rairangpur Unit. After that there is no such organisation in the name of Bajrang Dal at Rairangpur and no office bearers are working under this organisation. In the year 1998 he joined BJP and at present the Secretary, BJP of Mayurbhanj district. Neither Dara Singh is member of their organisation nor he had heard the name of Dara Singh previously.

Nepal Chandra Bose stated that he is at present the Vice President of Vishwa Hindu Parishad, Orissa State Unit. Bajrang Dal is one of the branches of VHP and its activities are supervised by the State Co-ordinator. Bajrang Dal is in infant stage in Mayurbhanj district and having no activities at present. 'Go Raksha' is also another branch overseen by Vishwa Hindu Parishad. 'Go Raksha' activities are also in a poor state in this district at present. One of the aims of Bajrang Dal and 'Go Raksha Samiti' is to bring awareness amongst the people about the value of cattle health and persuade them not to sell their cattle for cow slaughter. He had never seen Dara Singh nor has any personal knowledge about him. As far as he knows, Dara Singh is not a member of VHP or Bajrang Dal.

Shekhar Kumar Dutta stated that he is at present Zila Pramukh, Dharma Jagran Manch, RSS. He became member of RSS when he was 9 years old and earlier he was Nagar Karya-Vaha (Town Secretary) from 1996 to 1998. He has been regularly participating in the activities of RSS. Prior to Manoharpur incident, he had not even heard the name of Dara Singh. He came to know about him only through newspapers. After the incident he made enquiries from local leaders of BJP and Sangh Parivar of Keonjhar and Mayurbhanj districts. But they all denied Dara Singh's connection with RSS and Bajrang Dal.

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[20] Statement 92 of Chittaranjan Barik s/o Guna Nidhi Barik, Nagpal village, Mayurbhanj district

Sushil Chand Mahanta stated that he is an active member of RSS since his school days. He joined military service in 1983 and left in 1991. In 1996 he became an active member of Bajrang Dal and worked as Saharpada block co-ordinator. Later he became the district co-ordinator of Bajrang Dal Keonjhar district and remained till 1998. Bajrang Dal is closely associated with VHP. A nationwide 'Go Raksha' andolan of Bajrang Dal is continuing since 1996. On 23.1.1999 Bajrang Dal unit organised a "Ban Vihar Camp" in village Sitibanjhi under Ghatgaon PS from 7 am till evening. At about 8 pm he came to know about Manoharpur incident at Keonjhar. In 1997 he was in jail for 22 days in a case registered at Karanjia PS against him in connection with detention of cows.

He has further stated that on 19.10.97 some members of Bajrang Dal including Mohan Sunder Mahanta and Biranchi Mahanta detained one truck loaded with cows and bullocks and Biranchi Mahanta lodged an FIR at the police station. In this case police arrested Mohan Sunder Mahanta, Biranchi Mahanta and others and sent them to jail. He knew Biranchi Mahanta of Kuaposi who is a member of RSS. He also knew Mohan Sunder Mahanta of Badajamposi. He is the Block Co-ordinator of Bajrang Dal, Patna Block. He does not know whether Dara Singh had taken part in detaining the truck on that day. Since, police did not take any action and the innocent persons were arrested, he alongwith other Bajrang Dal members organised a demonstration in front of Patna Block office. After the demonstration they presented a memorandum to the Sub-Collector, which was addressed to Govemor, Orissa through SDO Sadar, Keonjhar district. The xerox copy of the said memorandum was shown to him and he identified his signature. He denied any knowledge about the signature of Rabindra Kumar Pal @ Dara Singh. He got the bail for Biranchi, Nabakishore, Chaitan, Hira Lal, Mohan Chandra Mahanta with the help of local leaders in the truck detention case of Mangalpur. He has further stated that he knows Dara Singh. Dara Singh is not a member of Bajrang Dal. He also stated that he cannot say as to why the incident of Manoharpur occurred.

On 27.10.97, at about 12 noon, a demonstration was organised in front of Patna PS against the arrest of Bajrang Dal activists in case FIR No. 80/97 of Patna PS The demonstration was organised by Sushil Chandra Mahanta, District Co-ordinator of Bajrang Dal, Keonjhar district. After that a memorandum was delivered by the demonstrators to Sub Collector, Keonjhar at Patna. The memorandum was signed by more than 80 persons, who claim to be the workers of Bajrang Dal, members of DCPC, District Cattle Protection Committee, and representatives of local Hindu community. During the preliminary investigation by IT an English translated version of the memorandum signed by many persons was furnished by Keonjhar police . However, only the names of 10 signatories were mentioned in the translated version and one of them was Rabindra Kumar Pal. However, on the scrutiny of the photostat copy of the memorandum submitted in Oriya, it was noted that the same was signed by more than 80 persons . The xerox copy of the same was shown to Sushil Chand Mahanta and he recognised his signature. Similarly, Naba Kishore Mahanta of Kothaghar, who participated in the demonstration, also identified his signature in the xerox copy of the

memorandum. However, both of them stated that they don't know whether Rabindra Kumar Pal signed the memorandum or not. Sushil Chand Mahanta stated that he did not know whether Rabindra Kumar Pal participated in the demonstration or not.

A close scrutiny of the signature, purported to be of Rabindra Kumar Pal, revealed that it is not legible and the spellings also do not tally with the name, Rabindra Kumar Pal. So, it cannot be confirmed that it was the signature of Rabindra Kumar Pal.

The Sub-Collector and DSP Keonjhar sent a VHF message to the DM/SP Keonjhar regarding the demonstration and the submission of memorandum. In the message, it was mentioned that on 27.10.97, at 12 am, in protest against police action with reference to PS case No. 80/97, Patna PS about 500 supporters of Bajrang Dal and BJP under the leadership of Shri Murli Mohan Sharma, President, BJP and other leaders came in a procession from Sanraposi to the Police Station via Patna Bazar basti. They staged meeting on the road in front of PS They delivered speeches against police action and district administration. They demanded the release of five arrested accused persons in the above noted case by 29.10.97 before Kali Pooja, lest the situation will be aggravated. They delivered a memorandum to Sub Collector, Keonjhar. No untoward event happened. Dara Singh's name was not mentioned anywhere in the VHF message.

Akhaya Kumar Sahu,[21] District Co-ordinator of Anandpur district of Bajrang Dal, stated that the organisation of Bajrang Dal in Anandpur started in 1994 and has three Blocks, viz. Anandpur, Ghasipur and Hat Dehi. He has been associated with Bajrang Dal since 1994. In the beginning, he was the sole person who attended training at Jharsuguda. Now their Regional Office is located beside Jhadeswar Temple, Ghasipura.

He further stated that the primary objectives of Bajrang Dal are to provide service, security and protect Hindu culture. His organisation provides medical, financial, educational and legal aid to the poor adivasis and ignorant patients. They also provide security to the temples, religious places, entire Hindu society and also protect the sovereignty of the country. They attached more importance to service and security towards women folk and cows (Go-Mata). The aim of their organisation is to show the right path to the ordinary persons, who are under the influence of superstition, greed and evil culture.

He further stated that his unit organised 'Sourya Diwas' Programme on 6th December, 1998 at Jhadeswar High School and they printed and distributed leaflets about the meeting. This meeting was attended by State Coordinator, Pratap Chandra Sarangi. However, local President of VHP, Jai Narain Mahapatra and Vice President, Gokul Nand Hota, could not attend, due to some difficulties. Initially, local police refused to give permission. It was subsequently granted. Pratap Chandra Sarangi spoke 'Vijay Diwas,' which is organised in memory of Babri Masjid Demolition on 6.12.1998,

stoppage of cow slaughter, and criticised the Congress party. They burnt the effigies of those leaders who had protested in the Assembly against prayer of Saraswati.

He further stated that Bajrang Dal and VHP are closely associated and most of the programmes are carried out jointly. From time to time Bajrang Dal extends support to RSS sponsored programmes also. Bajrang Dal also received support from RSS. Whenever directed by State Convenor, local Bajrang Dal unit extends support to BJP programmes like public meetings, etc.

He doesn't know Dara Singh. However, once Sushil Chand Mahanta of Khajurapat village, whom he met at Bajrang Dal Organisational Office at Cuttack, told him that Dara Singh was ready to sacrifice his life for ensuring security to women folk and cows (Go-Mata).

He further stated that he and others protested against illegal transportation of cattle by businessmen through their area, as there is ban on cow slaughter and for the security of cows. In April, 1998, he and Gyaneswar Maharana of his organisation stopped some cattle traders and a case was registered against them for that and they went to jail.

Since Manoharpur is under Anandpur Block and falls under his organisational district, he alongwith Pratap Chandra Sarangi and some reporters, went to Manoharpur. Through enquiries from the people, it was learnt that ploughing of land during Raja festival by Christians had resulted in a dispute between the Hindus and Christians earlier. Their Father (Graham Staines) had directed Christians to plough and cultivate during the days of Hindu festivals. Hindus were also dissatisfied with conversion. Although local people wanted to speak, they were prevented by Congress people.

He does not believe that Dara Singh or any member of Bajrang Dal has done this. He cannot say, who is involved in the incident. For becoming a member of Bajrang Dal, a membership fee of Rs.5/- is to be given annually and a receipt is issued. Register of all members is maintained.

Their organisation is not against any religion or community, but they object to conversion by force or inducement. On occasion of Sourya Diwas on 6th December, 1998 at Jhadeswar High School, Shri Sarangi gave a call to make the aim of Christians, i.e. to make the entire country as Christians by the year 2000, an unsuccessful one. He produced a copy of leaflet regarding the Bajrang Dal meeting at Anandpur on 6.12.98.**(Annexure-34)**

Chaturbhuja Maharana stated that he has been associated with VHP and BJP since 20-25 years. He does not hold any post of the organisation, but participates in different programmes of the organisation, as an active member. He is staying in the premises of Jnadeshwar Temple. However, he was a City Co-ordinator of VHP for a year in 1998. VHP people worship the Bharat Mata and Go-Mata. The local VHP Unit has Jai Narain Jagdev Mahapatra as President, Gokudananda Hota as Vice President and Manohar Mahapatra as

Secretary. He had never gone to Manoharpur before or after the incident. However, he heard something about Dara Singh from the affected businessmen and hawkers of Muslim community that Dara Singh troubled the Muslim businessmen and snatched their cattle. He doesn't know Dara Singh. In his personal opinion it was the work of some patriots, although he did not know, who were involved in the Manoharpur incident.

Mohan Sunder Mahanta stated that in 1991 he was working as Nominal Muster Roll (NMR) employee in Irrigation Department under Keonjhar Dam Project. After 3-4 years, he started attending the physical training parades of RSS near the Irrigation office and so he was dismissed from service. After that he remained an active member of RSS. He became the Block level head of Bajrang Dal of Patna Block. At present he is Joint Co-ordinator of Bajrang Dal of Keonjhar district and the organisational work in Patna and Ghatgaon Blocks are going on under his supervision. In 1997, as they noticed the Muslims transporting bullocks and cows in an inhumane manner in the trucks on Patna-Dhenkikot road, they told the Muslims not to transport them in the trucks in that manner. They did not listen to their advice and so he and other Bajrang Dal members decided to detain the trucks on the way. In October, 1997 he alongwith Biranchi Kumar Mahanta, Naba Kishore Mahanta of Kuaposi, Krishna Chandra Mahanta of Kothaghar, Rabindra Pal and 20-25 others of Bajrang Dal, VHP, RSS detained one cattle loaded truck at Mangalpur crossing. There was a quarrel between them and the driver of the truck. So he alongwith others accompanied Biranchi Kumar Mahanta to lodge an FIR. He further stated that Biranchi Kumar Mahanta is a member of RSS, Naba Kishore Mahanta is of VHP and Rabindra Kumar Pal is of Bajrang Dal. Many other local Bajrang Dal members had taken active part in detaining cattle loaded truck. RSS is very active in that area since 1984. In March, 1998, at Balda under Sadar PS, Keonjhar district, some activists of RSS, BJP and Bajrang Dal had taken away the cattle from cattle vendors on the way. In this connection, a case was registered at Sadar PS On enquiry he came to know that some persons under the leadership of Dara Singh @ Rabindra Kumar Pal had done that. He had brought the arrested accused persons on bail from jail by spending his personal money.

Biranchi Kumar Mahanta stated that he became a member of RSS in 1989 while he was studying in high school. He was Chief Organiser of RSS in Patna tehsil from 1997 to 1998. Since he joined Sishu Mandir School in Patna in 1998, he is not holding any post of RSS at present. But he is still a member of RSS. He knew Dara Singh @ Rabindra Kumar Pal very well since 1996/97 Dara Singh is working as a member of Bajrang Dal but he (Dara Singh) was campaigning for the BJP candidate during 1998 in the Lok Sabha Election. In 1997 some members of Bajrang Dal under the leadership of Mohan Sundar Mahanta of Badjampausi detained a cattle loaded truck at Mangalpur crossing. He alongwith Naba Kishore Mahanta who is a member of VHP, Rabindra Kumar Pal @ Dara Singh and others took part in the incident. In that truck some Muslims were transporting bullocks and cows by tying them in a cruel manner. There was a quarrel between them and the truck driver. So he went to Patna PS and lodged an FIR. In that case, police arrested several innocent persons. At that time Mohan Sunder Mahanta of

ampausi was the President of Patna Block of Bajrang Dal. Now he is in-ge of two Blocks. Two years back a camp was organised by Bajrang Dal undergarh. Dara Singh had taken initiative to motivate the people to ıd that camp of Bajrang Dal at Sundergarh.

Krushna Chandra Mahanta stated that he has been a member of VHP 1990. He used to attend meetings, rallies of BJP, VHP and Bajrang He is an active member of VHP. He knew Dara Singh for the past 10 ; as he (Dara Singh) was working as a Hindi teacher in Malliposi School :hen doing cloth business. Dara Singh was a member of Bajrang Dal. sed to move with Chaturbhuja Mahanta of Khuntapada who is also a ɔer of Bajrang Dal. Both of them had constructed a Hanuman temple at tapada crossing and named it as Hanuman Chowk. In 1997, some ɔers of Bajrang Dal had obstructed a cattle loaded truck at Mangalpur ing. In that truck Muslims were transporting cattle in a cruel manner. n Sundar Mahanta, Naba Kishore Mahanta, Biranchi Kumar Mahanta ₹abindra Kumar Pal @ Dara Singh and others who were members of ıg Dal obstructed the truck. Police released the truck and cows and ed innocent people in that case. Hence, a demonstration was organised jrang Dal in front of PS Members of BJP, RSS, VHP and Bajrang Dal articipated in that demonstration. Sushil Chand Mahanta of Khajarapat ıe demonstration. He, Chaturbhuja Mahanta and Dara Singh @ dra Kumar Pal participated in the demonstration. At the end of the ıstration, they submitted a memorandum to the Sub Collector with their ɹres. He also signed that memorandum. He identified his signature the xerox copy of the memorandum was shown to him. He could not ıether Dara Singh had signed it or not. He could not say anything about ınoharpur incident as to who did it and why it happened.

Naba Kishore Mahanta[22] stated that he is a member of VHP and l as member of Panchayat Samiti. He knew Biranchi Kumar Mahanta, ıber of RSS, as he belongs to his village. In October, 1997 after ıra, Bajrang Dal people of his area detained a cattle loaded truck. was quarrel between them and the truck driver, who was a Muslim. ıi Kumar Mahanta went to the police station and reported the matter. ck was detained by him alongwith Rabindra Kumar Pal @ Dara Singh, Sundar Mahanta, Krushna Chandra Mahanta and others. The police d innocent persons by making a false case. Mohan Sundar Mahanta is ɔer of Bajrang Dal. Krushna Chandra Mahanta is a member of VHP ·a Kumar Pal @ Dara Singh is member of Bajrang Dal. At that time ·a Pal was residing at Maliposi. He has not seen him since long.

)uring the investigation of the following cases, in which Dara Singh is l, his association with Bajrang Dal/BJP has come on record. ı the following cases, he is reportedly linked to Bajrang Dal

) FIR No. 80/97 Patna PS, Keonjhar district
i) FIR No. 83/97 Patna PS, Keonjhar district

(iii)	FIR No. 19/98 Patna PS, Keonjhar district
(i)	FIR No. 46/98 Sadar PS, Keonjhar district
(ii)	FIR No. 91/98 Karanjia PS, Mayurbhanj district
(iii)	FIR No. 123/98 Karanjia PS, Mayurbhanj district
(iv)	FIR No. 1/99 Patna PS, Keonjhar district

32.32 In the following cases, he is reportedly linked to BJP :

(i)	FIR No. 71/96 Patna PS, Keonjhar district
(ii)	FIR No. 19/98 Patna PS, Keonjhar district
(iii)	FIR No. 34/98 Thakurmunda PS, Mayurbhanj district
(iv)	FIR No. 46/98 Sadar PS, Keonjhar district

In their statements, Bhakta Bandhu Das[23] brother of Chitranjan Das, Rabindra Mahanta[24], both of Rudhiapada and Kalakar Bej[25] of Maliposi village, stated that after he shifted to the house of Chaturbhuja Mahanta, Dara Singh joined Bajrang Dal/RSS. He also imparted lathi drill to the youngsters residing in nearby villages, Kuaposi, Sadhupada, Mangalpur, etc. At that time, he used to wear 'mitti' (mud) colour pant, white shirt and red colour band on his forehead. Both, Chaturbhuja Mahanta and Dara Singh, installed a statue of Lord Hanuman in Khuntapada Chowk and named it as Hanuman Chowk. They also stated that Dara Singh, alongwith Chaturbhuja Mahanta campaigned for BJP candidate during the 1998 Lok Sabha Elections.

Debendra Mahanta stated that he has been a worker of RSS since 1988. He met Dara Singh in an RSS congregation two years back for the first time. Dara Singh and Dipu came to his house on 23.1.99 after the Manoharpur incident.

Durga Charan Naikis Block level Vice President of BJP. He stated that he knew Dara Singh since 1990. When he had gone to attend a Bajrang Dal rally at Allahabad in 1993, Dara Singh also came with him. They stayed there for 3 days. He had been to Allahabad in 1990 also for Ram Mandir revolution. He went to Allahabad in 1992 also for Kar Seva on December 6, 1992 He further stated that Dara Singh does not belong to any party. Where there is Hindutva, where the Hindus are in need, Dara Singh reaches there without any invitation. He last met Dara Singh two years ago. He was Secretary of Vishwa Hindu Parishad in 1991. He had come to know after visiting the area of Harichandanpur Block and Balisankar Block of Sundergarh that by giving some ordinary facilities to some poor tribals, attempt is being made to convert them to Christianity. For this Hindus are aggrieved. He doesn't know who has committed Manoharpur incident and why.

Narain Giri stated that he went to Allahabad 3 years ago alongwith BJP workers. The expenditure was borne by BJP Dara Singh also came to

Allahabad. He had seen Dara Singh there at Allahabad alongwith Durgacharan Naik and Kunia Das. He stayed there for 2 days.

Anadi Charan Mahanta Sarpanch of Mushakhori Gram Panchayat, stated that he knew Dara Singh over the past year. Dara Singh himself had told him that he belonged to Bajrang Dal and RSS member. He used to tie red colour cloth on his head. He used to attend RSS training camp at Maliposi in 1995. During the last Lok Sabha Elections Dara Singh moved in a bicycle with a BJP flag.
32.38 Lok Nath Patra[26] stated that during the Lok Sabha Elections 1998, Dara Singh was seen canvassing in his village on a bicycle with a BJP flag.

Ramakanta Rana stated that he had seen Dara Singh two years ago at the time of Kalipuja near Patna Kali Mandir. At that time Dara Singh was holding a stick, wearing a red band on his head in a RSS rally.

Goura Hari Naik stated that he retired from Air Force in 1994. During 1995, he contested for the post of MLA from Patna Constituency on BJP ticket, but was defeated. He knew Dara Singh, who attended a rally at Patna in October, 1997, organised by Bajrang Dal members and led by Sushil Chand Mahata. He had also addressed the meeting. He cannot say whether Dara Singh is an active member of Bajrang Dal or not. Regarding Manoharpur incident, he heard that there was conflict between Hindus and Christians in Manoharpur village over the ploughing of land by Christians during festivals. That conflict may be the reason behind Manoharpur incident. He doesn't have knowledge whether Dara Singh had taken part in his election campaign. He also cannot say whether Dara Singh is involved in Manoharpur incident.

Kamlakanta Das @ Kunia Das stated that he is an active worker of BJP He knew Dara Singh for the past five years. Dara Singh used to carry goods on bicycle. He used to go to every hat and also came to Patna. He doesn't know what Dara Singh was doing. Dara Singh has no relations with BJP He doesn't know whether Dara Singh is involved in Manoharpur incident. He thinks due to conversion of Hindus to Christians, Graham Staines was murdered.

Dayanand Mahanta is Headmaster, Saraswati Shishu Mandir, Kendujuani, Thakurmunda PS, Mayurbhanj district. He stated that he had never seen Dara Singh and Dara Singh and his associates never came to his school. He came to know from the newspapers that a Muslim trader was looted at Kendumundi hat on November 15, 1998.

Parsuram Mahanta, S/o. Shambhunath Mahanta, P/o. Mirigikhozi village, Patna PS, Keonjhar district, Peon in Saraswati Shishu Mandir, Kendujani, Thakurmunda PS, Mayurbhanj district, stated that he came to know that there was disturbance at Kendumundi hat on November 15, 1998. He doesn't know Dara Singh and Dara Singh never came to his school.

DM, Keonjhar, vide his letter dated 28.4.99, forwarded the detailed report submitted by Inspector. S.K. Mahantay, Circle Inspector, Sadar, Keonjhar district, which is already placed as He further informed that SP Keonjhar is being requested to give details on the existence/activities of Bajrang Dal, VHP, RSS.

SP Keonjhar informed, vide his letter dated 5.5.99, that the records and local enquiry and rally revealed that Dara Singh has association with Bajrang Dal. He further informed that as regards activities/existence of Bajrang Dal/VHP/Go Raksha Samiti and their office bearers, information is under collection.

SP Mayurbhanj did not give any specific report in his letter No. 2614/IB dated 27.4.99. However, vide his letter No. 2185/IB dated 7.4.99, addressed to the Addl. DCP,IT he sent xerox copies of some Intelligence reports and messages sent to various officers. The Intelligence reports revealed that Rabindra Kumar Pal @ Dara Singh of Maliposi, Patna PS, Keonjhar district, an active worker of Bajrang Dal had taken-up the cause of protection of cattle against slaughter and the series of such incidents indicate that he created panic in the minds of Muslims. He is committing crime in the border areas of Keonjhar and Mayurbhanj districts. If the Bajrang Dal continues this type of activity, then there will be increase in communal disharmony and there may be law & order situation. As a follow-up, letters were sent to various officers to maintain watch and be alert.

DM, Mayurbhanj, vide his letter No. 566 dated 30.4.99, informed that the name of Dara Singh for the first time appeared in the records of the Administration only in late November, 1998. His name figured in letter No. 1367 dated 21.11.98, enclosed with memo No. 1368 dated 21.11.98, marked to District Magistrate, Mayurbhanj. On 20.11.98, a joint meeting was conducted by the DIG (ER), Balasore, with SPs of Mayurbhanj and Keonjhar for controlling the activities of Dara Singh and his associates and joint raids were conducted. Regarding Dara Singh's association with Bajrang Dal or any other individual or groups, the DM replied that the district administration does not have any document in this regard, except letter No. 1367 dated 21.11.98 which is a copy of the letter of S.P. Mayurbhanj, addressed to Special IGP (Administration), Orissa, Cuttack on the subject 'Activities of Bajrang Dal in Karanjia Sub Division'

~~The enquires~~ reveal the following

(i) Bajrang Dal exists in Orissa State and in Mayurbhanj and Keonjhar districts. A brief outline is as follows:

(a) The Bajrang Dal is youth wing of Viswa Hindu Parishad. Persons in the age group of 15 to 45 years can become member

in this wing. An annual fee of Rs.5/- is to be paid to become a member. No membership card is issued only receipt is issued. The Bajrang Dal organises various functions on important days at different places. Though it came into existence in the year 1986 and become active in the year 1989 in U.P. and other places in Orissa it came in to existence in year 1993. Later on, it became an all India organisation, Pratap Chandra Sarangi has been the co-ordinator of Orissa State unit since 1997. The unit has divided the State into 26 organisation districts. In each district, there are one district co-ordinator and two sub-co-ordinators.

(b) Districts are divided into Blocks and Block co-oridnators are also appointed. In the administrative district of Keonjhar, Bajrang Dal has two organisation districts; (1) Keonjhar district with Headquarter Sharpada from 1996 to 1998 Sushil Chand Mahanta President of village Khajurapat, PS Turmunga was the district co-ordinator. Presently, Ganesh Mahanta is the district co-ordinator, (2) Anandpur district co-ordinator for Anandpur district is Akhaya Kumar Sahu and two sub co-ordinators are there. In Mayurbhanj district two organisation district of Bajrang Dal are exist. In Udala district Chitarnajan Barik is the district co-ordinator. In Rairangpur district earlier Naveen Sahu was the

district co-ordinator. After his joining BJP no co-ordinator is appointed.

(c) In Udala a State level Bajrang Dal camp was organised in the month of Oct. 1998 and several State leaders addressed the gathering in Ghasipura of Anandpur organisation district of Bajrang Dal a rally was held on 6.12.98. Pratap Chand Sarangi and other leaders participated in the meeting. Pratap Chand Sarangi exhorted the members present there to counter the congressional activities of Christian Missionaries.

(d) In Keonjhar organisational district, a Van Vihar (picnic type gathering/meeting) was organised on 23.1.99 at Sitabanjhi village under Manoharpur Gram Panchayat, PS Ghatgaon. Members of Bajrang Dal participated in this camp in large numbers.

(e) Shri Pratap Chandra Sarangi, S/o. Late Shri Gobind Chandra Sarangi, R/o. Gopinathpur, Nilgiri, Balasore (Orissa) at present, R/o. Biswanath Temple, College Square, Cuttack is the Co-ordinator of Bajrang Dal, State of Orissa since 1993.

(ii) Bajrang Dal is the Youth Wing of Vishwa Hindu Parishad.

(iii) Rabindra Kumar Pal @ Dara Singh is an activist/supporter of Bajrang Dal. However, there is no documentary evidence to prove that he is a member or office bearer of Bajrang Dal.

(iv) Under the garb of cow protection he has committed crimes against the Muslim cattle traders. He has also committed crimes against Muslim businessmen.

(v) Dara Singh had campaigned for BJP during the last Parliamentary Elections in 1998.

(vi) Dara Singh had also been seen in RSS rallies.

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(vii) Dara Singh had campaigned for BJP during the last Parliamentary Elections in 1998.

(viii) Dara Singh had also been seen in RSS rallies.

It is submitted that the report of the investigation team about the association of Dara Singh with the Bajrang Dal and also with the The RSS and the BJP is corroborated by evidence before the commission which is set out in the table herinbelow.

NAME OF THE ORGANISATION	ORAL EVIDENCE
1. BAJRANG DAL	A. 1 Santosh Uphadyaya witness no W-12 at page 2 last para "It was found that dara Singh was a suporter of the Bajrang Dal" 1. At page 3 para 1 "investigation of the Mahuldia case shows that Dara was a member of the Bajrang Dal" 2. 3. At page 5—I found Bajrang Dal activists were indulging in snatching cattle carrying vehicles. 3. At page 5-Bajrang Dal is a frontal organisation of the BJP
	B. 1. Jogendra Patnaik –Witness no W-18. At page 2 –I had prior knowledge of dara Singh's assocation with the Bajrang Dal

	2. Page 2-I haveseen records with the DIB about Daa's association with the Bajrang dal 3.page 3-His report regarding the fact that dara was an activist of the Bajrang dal and the BJP is marked as annexure 18/3(a)
	C. 1. M.K.Dwivedi witness no W-19 At page 10—Re dara and his associates being associated with Bajrang Dal based on Patna Police station case 79/97,memorandum dated 27.10.97 and DIB reports 19/21-26
	D. 1. D.K.Mohapatra witness no W 21 At page 6-Dara appears to be a supporter or fellow traveller of the Bajrang Dal or even of the BJP but not a die hard or card holder or activist of these organsiations
	E. 1. Pradeep Kapur witness no W 24 –at page 8-Weekly confidential reports dated 14.12.99 and 15.12.1999 do indicate that Dara is a supporter of the bajrang dal 2. Report of 3.1.99 indicates that Dara is a worker of the Bajrang Dal
	F 1. Sushil Mohanty W-31 at page 2/3—from records and case diary and information received by him ,he came to the conclusion that dara was a member of the Bajrang dal

BJP	A. 1. Santosh Uphadyaya witness no W-12 at page 5-Bajrang Dal is a frontal organisation of the BJP
	B M.K.Dwivedi witness no W-19 At page 10—Re dara and his associates being associated with Bajrang Dal/BJP based on Patna Police station case 79/97,memorandum dated 27.10.97

	and DIB reports 19/21-26.
	C. Lalith Das –witness no W26- 1. At para 2 –Dara a member of the Go rakhksha samithi but I don't know wheter a member of the BJP 2. At page 3 –It is well known that dara singh is a supporter of the BJP. 3. Page 4-His association with BJP is so well known there is no need to inquire into hios antecedents
	D. Sushil kumar Agarwal—Witness no W-27 1. At page 2 – dara was a party worker of the BJP in the patna PS area.

RSS	A. Debendra Mohanta –Witness no 34 At page—I saw Dara in an RSS camp.

List of documentary evidence mentioning organisations.

Bajrang dal/BJP/RSS	1. Ex 12/2 letter dated 21.11.98—Rabindra pal an active member of the Bajrang Dal 2. Ex 13/2Crash memo from SP.Keonjhar to DIG(admn)—Dara Singh joined Rss camp, BJP and Bajrang Dal and actively involved in organisation in Ghatgoan, Thirumunga and Patna 3. Ex 14/4 SP keonjhar to Home secretary dt.27 10.97 –Re involvement of Bajrang dal in Patna PS case no 80/97 4. Ex 14/5(a)—DIB Keonjhar to SP keonjhar dated 8.10.96 BJP/VHP supporters under the leader ship of Rabindra pal etc. 5. EX 14/5(b)OIC Thirumungha to SP keonjhar—BJP under the leadership of Rabindra pal 6. Ex 18/3 (a)-letter dated 5.12.97—Re activities of bajrang dal wôrkers

	in keonjhar and also mentions name of dara Singh. 7 19/3(a) –Memoranum to the governor on behalf of the Hindu Sanchatan 8. Ex 19/20-Report from CI sadar to SP keonjhar regarding the activities of Dara singh and his association with the bajrang dal and that he was attending RSS camps. 9. Ex 19/21`--DIB Keonjhar to SP---BJP VHP under leadership of dara singh and others 10. EX 22/4-report of the DGP to the governmnent at pages –4 dara singh organising bajrang dal activities.. 11-Ex 22/3A—letter form IIC Karanjia –SP Mayurbhanj dated 31.12.98—Dara Singh supporter of Bajrang Dal
Exhibit 24/3	Letter from IIC karankjia to SP Mayur Bhanj dated 24/3

On the basis of the above evidence gathered by this Hon'ble commission there is nc doubt that Dara Singh was closely associated with the Bajrang Dal and that he was also associated with the B.J.P and the R.S.S. To what extent is this sufficient for linking an organisation would be examined later.

VII

Tensions between Christians and Non-Christians

7 1 The Investigation Team has gone into the question of tensions between Christians and non-Christians and has observed as under:[27]

(i) There was dispute over Missionary land of EMSM;

(ii) Conflict between Christian and non-Christian communities in both Mayurbhanj and Keonjhar districts had sharpened over the years, especially in Thakurmunda area

(iii) There was underlying tension between Christians and non-Christians in Sarat, Raika and Bada Baliposi of Mayurbhanj district, where jungle camps were organised by EMSM;

(iv) Disputes existed within the Church and between Christian-non Christian villagers in Manoharpur, Anandpur PS, Keonjhar district; and

(v) Two recent incidents viz. December 1, 1997 and July 17/18, 1998 between a Christian preacher and local Hindus in Jugiabandasahi, Katkotta, Anandpur PS, Keonjhar district focussed on heightened tension between the two communities on the issue of conversion, prior to the Manoharpur incident.

Missionary land

7 1.1 The then King of Mayurbhanj donated some land to EMSM, when it commenced activities in the district. Following amendments the rules on land ownership by foreigners and foreign agencies, the ownership of land of

[27] Final Report, para 34.

EMSM was transferred to Evangelical Trust Association of North India (ETANI) in 1976. Mr. Staines was granted the power of Attorney for the land.

7 1.2 Initially a Church was established inside the Mission House compound, Baripada. Later, it was named as Baptist Union Church of Baripada. The Pastor of the Church lives in the Mission House compound. This Church is managed by a Committee of local Christians. Mr. Staines was attending religious congregations in this Church only when he was invited.

7 1.3 Some Christian families are living in the Mission House compound since long. One such family is that of Mr. Tara Kanta Samal, who was the first baptized Christian of Mayurbhanj. His grand son Mr. Chitranjan Samal, resides in a house in a plot measuring 86 decimals within the compound. Mr. Samal's family is staying in a house they built there. In 1986, he found that his family's name was missing in the final settlement record. He approached the Tehsildar in 1989. In 1995, 20 decimals of land was allotted by the then Tehsildar and 66 decimals were shown as already in their possession. However, when he started re-construction of his house, Mr. Staines objected stating that the land now belonged to ETANI and it's permission was necessary When Mr. Samal clarified that the land belonged to them, Mr. Staines moved Civil Judge Court for injunction. The case is still pending in the Court. Mr. Samal, however, still maintains good relationship with the family of Mr. Staines.

7.2 Other Instances[28]

(i) Christian villagers who were earlier contributing to the village festivals, not giving chanda (contribution) after embracing the religion;

(ii) Their non- participation in local religious festivals and tribal dance etc., and

(iii) Their adoption of anti-tribal customary practice of ploughing land during Raja, Makar Sankranti and other festivals of local non-Christian tribals.

7 2.1 Since the converted Christians stopped taking `handia' (rice beer) and saved money by avoiding unnecessary expenditure on `bali' (sacrifice) of hens and goats to appease spirits which the local tribals believed in, their savings was utilised for a better life. Such conduct of Christians was resented by the other villagers. These gradually became bases of friction between Christian and non-Christian communities in the villages.

7.2.2 Some of these internecine quarrels, were reported to the police, while others compromised at the village level. However, the underlying tension prevailing in the villages erupted on several occasions.

7.2.3 There is a local impression that converted Christians were getting emboldened due to the support of Christian Missionaries. Mr. Staines was

perceived as one such active foreign Missionary responsible for spread of Christianity in the area. Mr. Staines was also engaged in preaching the Gospel. He had reportedly witnessed baptism ceremony during EMSM sponsored jungle camp at Ramachandrapur in 1998. Joseph Hembram stated that over 6 years ago, during Lord Jagganath's car festival in Baripada some locals opposed sale/ distribution of Christian literature.

7.2.4 Inquiries by the IT, revealed that there were growing differences between Christians and non-Christians in both Mayurbhanj and Keonjhar districts. It was manifest in aggressive action of non-Christians at several places.

7.3 Incident in **Jugiabandhasahi, Katkotta, Anandpur PS, Keonjhar district**[29]

7.3.1 Father Varghese Puthumattam stated that he and other Christians were threatened when they visited Katkotta village for preaching in 1997 The local people objected and sought undertaking from him that he would not visit the village again. On July 17/18, 1998, he was detained and intimidated by some local youngsters calling themselves RSS. However, police did not take any action despite written report lodged with the Anandpur PS.

[28] IT's Final Report, para 36
[29] IT's Final Report, para39

7.3.2 On December 1, 1997, Father Varghese had visited the house of Divakar Deogan of Katkotta village along with Father A.G. Gomes, Durga Soren, sisters Rita and Sabita and 4 others of Catholic Church. While showing them around the village, some boys detained him on the road. They questioned him at length. Two school teachers were with the youngsters. Father Varghese was accused of preaching and influencing the people and converting them to Christianity. The mob which assembled asked him not to return to the village. Under pressure of the mob he wrote that he would not visit and preach in the village again. Father Varghese and others were asked to sign the paper. They were also forced to shout slogans 'Bharat Mata ki Jai' and 'Jai Sriram' Then the mob of around 150 became violent and damaged the vehicle. However, their leaders controlled them and Father Varghese left.

7.3.3 To bid farewell to Divakar Deogan after his transfer to Mitrapur, Father Varghese and Father Arul Doss reached the house of Divakar Deogan at 7 am on July 17, 1998. Deogan's neighbour, Budram Deogan went to Tangor village situated 2 kms away and brought a group of youngsters. The gathering outside attempted to meet Father Varghese. They demanded to know why he had returned to the village despite written undertaking not to do so. Later, Father Varghese sent Durjodhan Deogan and Bajuinath Deogan to meet his friend Kate Singh Khuntia and together report the matter to Anandpur PS. The OIC, Anandpur PS was informed in writing that afternoon. [30]

7.3.4 Father Varghese and Father Arul tried to leave that place in their motorcycle. However, the youth who called themselves RSS obstructed their

movement and urged them to travel via their village Tangor. Father Varghese suspected that he would be harmed if they travel via Tangor. When the boys started getting violent, he ran inside the house and took refuge. The RSS boys shouted and threatened them that at night more youth would come and burn the house. At 4 o'clock, Father Varghese sent some persons to inform Balasore Bishop over telephone. He was confined all evening and spent the night there.

7.3.5 In the morning of July 18, everything seemed calm outside. However, around 8 am, when he had gone out for morning ablution, around 10/12 people ran towards him. He ran back to the house. The angry youth shouted `break the house', `burn the house', `Father come out, how long will you remain hiding, as soon as you come out we will finish you' One of the assailants Anantha Sahu s/o Kitan Sahu, had an altercation and kicked the daughter-in-law of the house. The mob was getting violent.

7.3.6 Fortunately, Havildar Singh Babu, Minz Babu and two constables of Anandpur PS reached the spot in time and brought them safely to Anandpur PS in a jeep. He had given complaint in this regard to OIC, Anandpur and senior officers including SP Keonjhar, but no action has been taken.

Evidence before the Commission

7.4 In regard to conversions, the evidence of the following witnesses may be relevant:

[30] Station Diary Entry is Annexure-47 of IT's Final Report

Chaitanya @ Timothy Murmu (W-8)

"In the year 1973, while there was display of slides relating to Jesus Christ, I came in contact with Mr. Graham Saines. I have also seen Mr. Staines several times between 1973 and 1980. 5-6 years prior to my embracing Christianity, some other villagers, namely, Sankhai Marandi, Lapra Marandi, Rodia @ Ralia Soren, Arjun Bindhani (since deceased) and Binod Marandi had embraced christianity. I cannot say the exact dates of their doing so. No register is maintained in our church at Manoharpur regading the persons or families embracing Christianity. The register for Baptism is, however, maintained in the church at Baripadi. There is no regularity that every year any person or family embraces Christianity. I maintain a register of persons who sincerely follow Christianity and are members of my church. I have seen the said register The first five pages of the register contain the names of persons who have confirmed their faith in Christianity, and the last two pages contain the number of persons in different Christian families. The register starts from the year 1981. The middle pages in the said register, i.e., pages 46 and 47, contain the names of the persons of Manoharpur chruch. (Photocopy of the relevant pages of the register is marked as Ext. W-8/1 and is retained on the record of the Commission).

In the year 1980, I had a severe attack of fever. I was not admitted in any hospital. But I obtained some medicines from the Government dispensary at Thakurmunda. When we Santals suffer from any ailment we offer, worship and sacrifice goats/ sheep and chicken. I suffered from the fever for about 1 -3 months and was not cured in spite of taking medicines and doing the above

acts. While I was in dying condition, my wife called the five members of the Christian community of my village who came and prayed for my betterment in my house. Thereafter I continued to take the same medicines which were prescribed earlier and was gradually cured. Since then I began believing in Christianity.

I have also filed an affidavit before the Commission which has been signed by me. It is marked as Ext. W-8/2. Mr. Staines never visited our village or the church at the time of any Baptism.

In the year 1973, Champai Bisra from village Banki was converted to Christianity. In the year 1998 Nimai Hansda was converted to Christianity. He, however, believes in Christianity but has not yet been baptized. Nimai Hansda though does not belong to village Manohapur, but in our Church at Manohapur in last January, embraced Christianity. Every year one or two persons were converted to Christianity. Last year another person Suna Soren also became a believer in Christianity. In the year 1997 Savana Murmu became a believer in Christianity though he has not been baptized as yet. After a gap of one or two years, a person does become believer of Christianity in village Manoharpur. Nimai Hansda whom I mentioned earlier belongs to village Manoharpur and is not that Nimai Hansda who as the Driver of Mr. Graham Staines. The aforesaid Nimai Hansda is a cultivator. Three of the family members of Nimai Hansda have become believers of Christianity. He came to Church after he became believer of

Christianity. Prior to he became believer of Christianity, Nimai Hansda never came to Church or attended Jungle Camp.

Q) Nimai Hansda never attended Church nor Jungle Camp. Can you state any reason why he became believer of Christianity?

A) He was suffering from fever. He came to me. I said that I was also suffering from fever earlier but was cured after I became believer of Christianity. He said that he had gone to various places but then he did not get cured and further stated that he will become a believer.

He was also taking medicines after becoming a believer of Christianity and he was cured."

Shankar Marandi (W-25)

Q) Did anybody approach you to get converted into Christianity or to your knowledge was any other person ever approached to be converted to christianity?

A) Nobody approached me. I cannot say if any other persons were approached for conversion into christianity.

Sankhai Marandi was the first person of our village to embrace Christianity; that was long back. Thereafter, other persons in the village were also converted to Christianity and their number is increasing by and by.

John Mathai (W-30)

"I am a Linguist and working for the Indian Evangelical Mission (IEM). The headquarters of IEM is at Bangalore. It is engaged in planting of churches in India, that means preaching the gospel and if anybody accepts the gospel and wants to come to the fold of Christianity, he would come to the church leader and if the church leader considers that the person really wants to embrace christianity, then after a few months, baptism is given to him, then only that person become a christian. I am a part of the IEM., Mayurbhanj. We are doing preaching work in Thakurmunda area. We are also running a small hostel for tribal girls at Rairangpur I am involved in the language study of Ho language. I translate some stories from the bible into Ho language. We are trying to print those stories and distribute amongst the people. We are also preparing for literacy work, to tell the people how to read and write in the own language and ultimately to read and write in Oriya language. There is no script in Ho language. We are borrowing the script from Oriya language with certain modifications.

The increase in population of christians in the area of Mayurbhanj and Keonjhar is on ~~account of~~ conversion. This conversion is, however, among the Ho and Santhal people.

Q) Was this conversion to christianity confined mainly to illiterate and poor people in the tribal areas of Ho and Santhal and not to the educated and well up persons in the districts?

A) The conversion to Christianity is mostly confined to poor and illiterate people in the tribal areas. But there are educated people also in the tribal areas who have embraced Christianity. I cannot say if in any two or city any educated or well up person has embraced Christianity. There would be about 4-5 such educated persons in the tribal area who have embraced christianity.

A pastor mainly looks after the church and church service. Evangelist is one who goes to different places and preaches the gospel. Missionaries are also like Evangelists.

After a person becomes christian, no support is given to him by the church. I do not know if there are two types of christians, namely, Dalit christians and Tribal christians. I am also not aware if there is any dispute among different groups in churches. Churches organised by the IEM are self-supporting. There is no specific budget provided by the IEM for the work done by me. Whatever amount is required for any work by me is given by the IEM.

I cannot say how many families got converted to christianity though the Pastors, i.e., church leaders, do come and tell us the number of families embracing christianity. But I do not remember that.

Nimain Hansda (W-39)

"I was converted to Christianity about two years ago. None of my family members has been converted to Christianity. I was ailing for a long time and was cured after I embraced Christianity. All my family members advised me to embrace Christianity, lest I could be cured by doing that. After embracing Christianity I am a little better. I was having pain all over my body since the last about four years. was treated at Anandpur, Thakurmunda and Ghasipura Government hospitals. Till I embraced Christianity I was taking medicines from those hospitals. Thereafter I was not taking any medicine. Now, for the last about 6-7 days I am again taking medicine from a doctor at Panasdina. Nobody from the church gave me medicine after I embraced Christianity. I attended the jungle camp this year for the first time. In the jungle camp, we only offer our prayer. Mr Graham Staines had been coming to our village since the last 15-20 years. I have never talked to him. I had seen him earlier coming to the jungle camp along with children.

I have not been baptised. I met Chaitan Murmu, who is the head of the church (Murabi) and expressed my desire to embrace christianity. Thereafter, I on my own went to the church. After that, on every Sunday I regularly attended the church, and gradually I got cured. My understanding of christianity is that one goes to church regularly and gets cured. After embracing christianity, my financial condition has not improved.

Solomon Marandi (W-42):

"I owned about two mans of land and I get about five quintals of paddy from the said land. I also worked as a daily labourer. The daily wage of labour is Rs.25/-. I worked as labourer four to five days in a month. I was converted to Christianity in the year 1992. On the first day of Raja festival in 1992, my mother fell ill. Her hands and legs became stiff. Many people of our community who were present there performed puja and also poured lot of waters under the bed, but her condition did not improve. Thereafter in the evening all of them left our house. My father was also there. He was under the influence of handia at that time. Thereafter, in the evening we take my mother along with the cot to the house of Samson. There, they prayed to Lord Jesus. They also prayed during the night and in the morning, my mother was able to talk and asked for water and my mother was cured by 12 noon. As my mother was cured, we felt that Lord Jesus has saved her, so we all became Christians. My mother was ~~also~~ shown to a doctor. The Doctor also prescribed some medicines and she was given the medicines prescribed by the doctor when she was in my house. The doctor came to our house at about 9 to 10 a.m. and he left our house after two to three hours. My mother did not recover after taking medicines prescribed by the doctor. When doctor left our house, co-villagers also left our house. Then we take our mother to the house of Samson. I have heard that when christians prayed to Lord Jesus Christ, people are getting cured. I take my mother to the house

of Samson Marandi. I take my mother seeing that many people are being cured after praying to Lord Jesus Christ.

One Nihimiya converted myself to christianity. I was alone converted to Christianity (baptised), though all the family members are believers of Christ. One Nihimiya formally converted me to christianity."

Nehemiah Tudu (W-43)

"I am the Pastor of Raika church which is under the Mayurbhanj Evangelical Missionary Society. I was converted to christianity in the year 1978. When I was a Hindu, I was worshiping deities and believing the spirits and ghosts (Bhut-Pret). I spite of my best attempts, i.e., offering goats, etc., as sacrifice, I could not get rid of the fear of spirits and could not get peace. I also spent lot of money for the same. I had heard from one Champai Besra, a Pastor of Mayurbhanj that if I believed in Lord Jesus, I would be free from the fear of spirits. My brother Nathan Tudu was also having the fear of spirits and ghosts. One day he went to the house of a christian. There, they prayed for him for half an hour whereafter his fear disappeared and he had a sound sleep at night. Next day he came to me and narrated the incident. Thereafter we started attending the church at Banki. I have been baptised.

I met Mr. Graham Staines in the year 1978 at Rairangpur. He was also coming to Baripada at times. On some occasions, he had come to my house along with Champai Besra. I became the Pastor of Raika

church in the year 1985. I was chosen as Pastor by Mr. Graham Staines, Champai Besra and Benjamin Majhi of Kharagpur. Graham Staines was advising me how to be cured of the fear of spirits and ghosts.

About 200 people have been converted to Christianity after I became a Pastor of Raika church in 1985. About half of them have been baptised. Others have only accepted the faith. We preach about Lord Jesus and teach how to stay away from sins.

Q) What do you mean by 'sins'?
A) Anybody who is born in this world is a sinner.

Q) Where the persons who got converted to christianity also afraid of spirits and did they unnecessarily spend on sacrifices?

A) Some people have been converted to christianity being afraid of spirits. Some have also been converted after being satisfied about the teachings of Bible.

Manika Gagrai (W-45)

"As myself, my mother and my wife were suffering from fever, one Sankhai Marandi who is known to me advised me to convert to Christianity so that I can be cured. He advised me about three years back to convert to Christianity. I adopted christianity and Sankhai Marandi was also offering prayers at times in my house. I had not been baptised but I only became a believer of christianity and attended the church regularly. My health became worse and I developed tuberculosis. Mr. Graham Staines who also visited me

after I suffered from tuberculosis advised me to take medicines from the hospital. After I take medicines prescribed by a doctor at Karanjia, I developed blood pressure. Thereafter none of the christians helped me. As I was not cured, I again re-converted to Hinduism, a week before the Makar Sankranti in the year 1999. I was reconverted to Hinduism voluntarily.

I know Chaitnya @ Timothy Murmu. I know him as a nearby villager and he is also a preacher at Manoharpur. I am recovering from T.B. and feeling well. I gave two hens and a goat along with some rice to our villagers who performed Puja and thereafter I was reconverted to Hinduism.

Hindus did not express their displeasure when I was converted to christianity. Similarly, the Christians also did not express any displeasure when I reconverted myself to Hinduism.

Sankhai Marandi told me to convert to Christianity, so that I will be cured. If I am not cured then I may reconvert myself to Hinduism."

Gladys Staines (W-48)

"Churches are divided into two: (1) Roman Catholic and (2) Protestant. The EMSM would fall under the Protestant domination.

Q) Is baptism essential, be it Roman Catholic or Protestant, before a person can be called a Christian?

A) A person becomes a Christian in his heart. He realises that he is a sinner and seeks forgiveness for his sins from Lord Jesus

Christ and then his life is changed because his sins have been forgiven. Baptism is only a sign of the change of heart.

Leprosy patients basically recover by treatment and also by show of compassion and love.

Q) Has faith also something to do for recovery of a leprosy patient?

A) The patient is recovered because of the treatment and the love and affection shown by the people giving him treatment. It has nothing to do with religion as such.

Mr. Staines was not Pastor. In churches in Mayurbhanj, baptism is given by the local person who has been appointed to lead the church. Mr. Staines never undertook baptism. In churches in Mayurbhanj, there is no such qualification for a person to baptise.

Q) Are you aware that there was conversion to Christianity in the districts of Mayurbhanj and Keonjhar?

A) I would not like to use the word 'conversion' I am aware that some people in Mayurbhanj and Keonjhar have chosen to follow the teachings of the Bible. Therefore, they are Christians.

Observations/ comments

a) There is no evidence that the conversions were either not voluntary or that they were forced in any manner whatsoever. There is no evidence of any inducement of allurement in the conversions.

b) Conversions have been taking place since 1980 in the area and particularly in Manoharpur. There is no indication of any dramatic rise in conversions in the immediate recent past in the area.

c) The conversions that took place in Manoharpur appear to have been influenced by individual choice in moments of distress, particularly ill-health.

d) There is no evidence to show that Graham Staines was himself involved in the conversions. He was not authorised to baptise any person in order to bring him into the Christian fold.

e) Jungle camps may have helped in facilitating baptism since the Pastors were also attending these camps. The camps were meant for Christians.

7.5.8 **Evidence before the Commission regarding disputes between Christians and non-Christians in the districts of Mayurbhanj and Keonjhar**

Lalit Das (W-26)(former SP, Keonjhar):

There was no tension between different communities in my district during my time except one incident which occurred in July, 1998. In that incident, which occurred in village Jogiabandha, a Christian Father had come to the house of his disciple, namely, Duryodhan Munda, to offer prayer. This was objected to by other villagers. This village is under Anandapur police station. The Second Officer of the police station had gone to the spot and found the Father sleeping in the house of Duryodhan Munda. Next meeting, the Father and one Mr. A. Doss, who had accompanied him, came to the police station. My

Addl. Supdt. Had also gone to the police-station. The matter was sorted out. No case was registered, but there were station diary entries. Photo copy of the station diary entries (in five sheets) are marked as Ext. W-26/5."

John Mathai(W-30)

There was tension between christians and non-christians for the last 7 years. In 1992, when I came to mayurbhnaj and attended a Sunday worship at Basantpur church, which is at a distance of 4 kms. FromThakurmunda, my wife was with me, so also Mr.Pradip Das and his family. Local villagers came and asked us to stop praying. Pradip das escaped on his motor-cycle. My wife and I were stopped by those people and were not allowed to go. We were detained for about 45 minutes. Ultimately, Pradip Das came with one Ward member and on his intervention we were allowed to go. No police report was lodged. In fact, those people, numbering 15-20, had come with lathis. Since I do not understand Oriya language, I cannot say what they were saying.

Q. Why did you not think it necessary to lodge a complaint in police about the incident?

A. As nothing had happened to us, we did not think it necessary to inform the police. That apart, lodging of a complaint would only irritate the people more.

Q. Since you say tension did exist between christians and non-christians and certain incidents did happen while holding of jungle camp, did you

ever inform the police for escort for holding jungle camp or did you give any information to the police for holding jungle camp?

A. Tension was only in the Thakurmunda area where we were having only one jungle camp every year.

Nehemiah Tudu (W-43):

"There are six christian families in our village Raika. Though about 12-14 more families believed in Christianity, as they could not leave Handia, they went back to their own religious fold. In total, there are about 50-55 families in our village. Previously, the relationship between christians and non-christians was quite cordial. Since the last 4 years, some outside boys including one Mahadeb Sethi, whom I know and who belongs to the R.S.S., have influenced the local people and tension has developed. They also distributed some literature opposing Bible and its preachings. Mahdeb Sethi told me that he belongs to the R.S.S. This he told me in December, 1998. Mahadeb Sethi belongs to village Badhunia, which is at a distance of about 4 Kms. From Raika. He is unemployed.

Q) What was the occasion for Mahadeb Sethi to tell you that he belongs to the RSS?

A) He thought, by saying so he could threaten me.

I did not inform the police about this incident as one village headman, namely, Harihar Murmu, advised me not to do so by saying that he would look into the matter.

On 12.1.99 one Kandelal Purty had taken the photographs to Raika church. He was accompanied by an unknown man. We went to the house of Kandelal Purty and asked him as to why he had taken the photograph of the church without, asking us as there was likelihood of breach of peace. To this, Kandelal Purty replied that this was not enough and that there would be more disturbance. We did not inform the police about this incident as other villagers prevailed upon us not to do so. But after the Manoharpur incident, we informed about this to the local police. Thereafter, police deputed some personnel who gave protection and guarded the christians. There is no further incident after this.

In my statement given to the investigating team of the Commission, I said, "in our area RSS people reportedly said that if Nehemian Tudu and his brother Nathan Tudu are killed, christians will not have leaders and will leave Christianity" By the words "RSS people", I meant Mahadeb Sethi and others, whose names I do not know.

A proceeding under section 107 Cr.P.C. has been initiated against both Hindus and Christians of our village. Jesai Tudu, Nehemiah Tudu, Nathan Tudu, Mohan Marandi, Benjamin Hansda and Jitrai Soren are the members of the first party. Kushal Chandra Purty, Kandelal Purty,

Bharat Chandra Purty, Dukhia Murmu, Barial Murmu, Fagu Hembram and others are the members of the second party.

Observations/Comments

a) The IT report and the evidence extracted above do show the existence of tensions between christians and non-christians in Mayurbhanj and Keonjhar districts.

b) There is prima facie evidence to show the involvement of some fundamentalist elements in these disturbances.

c) Whether in fact these disturbances could have prepared the ground for a ghastly crime can be definitely stated only after the principal accused is arrested and investigation into this aspect is thereafter completed.

7.5 Jungle Camps

7.5.1 The IT has in its report has given the following details on the holding of jungle camps:[31]

7.5.2 The decision for holding jungle camp is taken in the meeting at Raikia. Mr. G.S. Staines used to select the speakers. The arrangements for the jungle camps are made by the local people. Jungle camps are held only at selected places. It is a congregation of Christians of a locality and some invited people. The purpose of 'jungle camp' is said to be inter-action among Christians and spiritual renewal. Jungle camp means four days of Bible

teaching, prayer and the fellowship of Christians living together. It enables believers from other Churches to meet local Christians to discuss experiences and encourage one another. Also speakers from other places broaden the vision of those whose lives have been confined to one small village. The teaching helps the Church leaders to further develop material for their own regular ministry.

7.5.3 Places where the jungle camps were held in 1998 and proposed in 1999 are as follows:

		1998	1999
(i)	Manoharpur, District Keonjhar	Jan. 21-25	Jan. 20-24
(ii)	Raika, District Mayurbhanj	Jan.28-Feb.1	Jan.27-31
(iii)	Diliswar (Sarat), District Mayurbhanj	Feb. 4-8	Feb. 3-7
(iv)	Ramachandrapur, District Keonjhar	Feb.11-15	Feb.10-14
(v)	Baliposi, District Mayurbhanj (organised by IEM)	Feb. 18-22	Feb. 17-21
(vi)	Palasbani, District Mayurbhanj	Feb. 25-Mar.1	Feb.24-28

7.5.4 Further, the IT points out that the jungle camp locations were also points of conflict between Christians and non-Christians. The final report notes:[32]

[31] Final Report, para 5
[32] Final Report, para 37

7.5.5 **Raikia, Bisoi PS, Mayurbhanj district**

(i) Nehimia Tudu, Pastor of Raika Church, stated that some differences between Christian and non- Christian communities arose in 1990 over observance of village custom and non-contribution of `chanda' (contribution) by Christians but it was amicably settled. However, for the past 3-4 years, RSS people were gaining popularity. They were holding meetings and propagating that Christians should be assaulted for not contributing `chanda' and non-observance of traditional customs.

(ii) Nathan Tudu @ Nathan Majhi, a Christian, stated that on 13.1.99 a person took photograph of the local Church. On being questioned he replied that some problem would follow. They remained silent but after Manoharpur incident reported the matter to Bisoi PS. Station diary entries no.392, 403, 589 and 606 mentioned about involvement of some non-Christians in the incident. The non-Christians (40-50) held meeting in the house of one Kushar Purty in Raika and discussed that the converted Christian families should abide by the customs and principles of the tribals or else they and their cattle would not be allowed in their tenant land. Police visited the village, discussed with both communities and initiated 107 CrPC proceedings to keep peace.

7.5.6 Sarat (Diliswar), Sarat PS, Mayurbhanj district

(i) Jerung Kalundia stated that in 1995, a quarrel took place between Hindus and Christians. FIR no. 8 dated 11.7.95 u/s 294/323/ 341/506/34 IPC was registered in Sarat PS by Mangal Marandi (Christian) against Narendra Barda @ Makuru of village Keshabada. The complainant reported that on 16.7.95 when he was returning from Rajatnagar after attending prayer in the house of Narayan Hembram, he was wrongfully restrained, harmed and criminally intimidated. He was cautioned that if he came to the village again he would be slain and buried in the local Church. Charge sheet No.11 dated 9.8.95 was submitted in the Court. Tipusultan Murmu, OIC Sarat PS also recalled the incident.

(ii) Ramachandra Badra stated that although jungle camp in Diliswar went off peacefully but around 8 years ago one of the persons involved in the above case had along with others obstructed the road of Mr. Graham Staines while he was leaving. Jungle camp was not held this year due to the Manoharpur incident; and

(iii) The EMSM Church was functioning in Diliswar near Sarat where jungle camp was organised by Mr. Staines.

7.5.7 Baliposi, Mahuldiha PS, Mayurbhanj district

(i) The jungle camps at all other places except Baliposi, the camp is organised by IEM. Though the camp has been organised for the past 4 years, Mr. G.S. Staines attended the camp in 1998. There was no trouble reported in all other jungle camps of EMSM in 1998. However, in Baliposi, the jungle camp was disturbed by youngsters from nearby Mitubani village. The camp was scheduled to be held from February 18- 22, 1998. Mr. Staines along with Ralph Cameron, President of EMSM, John Mathai, Pradeep Das, Satya Soren, Premalata Das, all workers of IEM, Nehimia Tudu, Pastor of Raika Church, Nimai Hansda driver and Bayu Hembram cook attended the camp. Mr. Staines came with his two vehicles.

(ii) Biswanath Ho @ Bisu stated that a jungle camp was organised in his village in 1998. On the third day (February 21) of the jungle camp and on the eve of Parliamentary elections, 5 boys of nearby Mitubani village came on a motorcycle and scooter in the afternoon. From the stall they took and tore a Bible. When Ralia Soren of Manoharpur protested and asked for payment for the Bible, they threatened that they will return in Commander jeep with 100 persons in the evening and settle the price. While leaving they tore the Bible and threw it on the road. Graham Staines told Ralia that some boys were wearing shirt with RSS written on it. John Mathai has also deposed that RSS was written on the shirt of one of the boys. Ralia Soren has stated that the boys opposed the visit of the foreign white Missionaries for preaching Christianity in the village.

(iii) A complaint was lodged in Mahuldiha PS by Biswanath Ho, Pastor of Baliposi Church. Around 8- 8.30 pm, the OIC, Mahuldiha PS came to the spot and asked how they were holding the religious function without obtaining permission from the police. The police officer asked them to wind up the programme and leave the place at once since he was not in a position to provide protection due to elections. The police officer offered to escort them from the spot. The meeting was wound up and all of them left the place in vehicles with police escort upto Thakurmunda. Mr. Staines and others left for Baripada.

(iv) On the way Pradeep Das saw boys with lathis near Mitubani village, but they did not do anything because of police escort. When some of the Baliposi Christians requested the parents of the boys at Mitubani, they were met with hostility for being Christians. According to Das the police said that if you don't go away then anything can happen since there is a RSS camp at Mitubani and if they come and set fire to the vehicles who will be responsible?

(v) Premalata Das stated that on 20.2.98 while proceeding to Baliposi she was teased by some boys at Thakurmunda bus stand. They evidently knew that her destination was Baliposi camp. En-route to Baliposi while travelling in the motor cycle of Pradeep and John Mathai, some young men tried to obstruct the road by keeping cycles in the middle of the road and threw sticks and mud.

(vi) The incident was reported by Mr. Staines stating that 'Some people from a militant Hindu group came to the camp but were not able to disturb the meetings. On the last day the police came and told us to stop the meeting and leave...

(vii) S.K. Behera, SI ex-OIC Mahuldiha PS stated that on 22.2.98, on the eve of elections, one Biswanath Ho and another person of Baliposi complained that they were apprehending trouble at Baliposi jungle camp of Christians. He proceeded to the spot and found 250 persons gathered in the Church which was the house of Biswanath Ho. Father from Baripada and Balasore had come. Ho stated that some boys had passed comments on them at Mitubani while coming from Thakurmunda to Baliposi and he sensed trouble.

7.6 Evidence before the Commission in relation to Jungle Camps

Evidence of John Mathai (W 30):

The IEM holds only one jungle camp every year at Baliposi under Mahuldia police station. EMSM is, however, holding many jungle camps in the area of Mayurbhanj and Keonjhar. I attended one jungle camp organised by the WMSM at Sarath. Mr. Graham Staines attended one jungle camp organised by the IEM at Baliposi. Whenver jungle camp is held by the IEM invitations are sent to churches organised by EMSM, and they in turn inform churches organised by us, i.e., IEM.

Church leaders of EMSM would meet once in every three months at Raika under Bisoi police station and discuss and decide at what particular time and place jungle camp would be organised. In jungle camps, Christian teachings by speakers coming from outside (not from abroad) are given. Health education is also imparted. On rare occasions speakers from abroad also attend the jungle camp. Jungle camp is open to persons of all religion. Sometimes non-Christians also attend jungle camps. Holding of jungle camp is known to everybody in that particular area.

He further states as under:

"Jungle camps were being held by EMSM at places called Manoharpur,Raika, Sarath, Ramachadrapur and Palasbani. All these are tribal dominated areas.

Q) Can you give any reason as to why these areas were specifically chosen for holding of jungle camp?

A) Since churches were already there and, in fact, churches wanted the jungle camps to be held there.

He further stated

"During jungle camps, people of the village where it is held and the people of neighbouring villages arrange their own food. Organisers of jungle camp provide fire-wood and mud pot for the purpose of cooking. However, food is provided to only those speakers who come from outside.

In jungle camp, literature is sold. Some slide shows are also shown during night time. No music is played. Wherever jungle camp is organised by the

IEM, funds are called for from the headquarters. A jungle camp costs about Rs.1000-2000/-. Travel expenses of the speakers are paid by the local church people. Any jungle camp would, therefore, cost about RS.3000/- or even less than that."

Q) Is it normal for people suffering from leprosy to come to jungle camp?

A) Christian people of the village, if they think somebody is having some signs of leprosy or there is some doubt, would bring him to the jungle camp and Mr. Staines would examine him. If Mr Staines felt that it was a case of Leprosy and that treatment should be given, he would ask the person either to come to Baripada or stay in the Leprosy Home. Mr. Staines was not a qualified doctor.

In jungle camps, Christians did not voice any concern about any threat to them.

Shubhankar Ghosh (W-1)

Jungle camps were organised not only at Manoharpur but also in other areas of the district of Mayurbhanj. At the time when the jungle camp was held at Manoharpur there were no leprosy patients who were cured of leprosy at the Leprosy Home in Baripada.

Chaitanya @ Timothy Murmu (W-8) has stated:

"There was never any disturbance relating to holding of jungle camps"

Gladys Staines (W-48) stated as under:

"In so far as jungle camps are concerned I have attended jungle camps along with my husband and children. The last one attended by me was in February, 1998. That was in Palasbani village.

Q) Would you be able to describe the activities in a jungle camp?

A) The jungle camps are for Christians. During this time, speakers are called from other places to give instruction in Bible teaching, spiritual upliftment, moral teaching and teaching on health and hygine.

Q) Was there any baptism or conversion during a jungle camp?

A) Jungle camps are meant for Christians and for their upliftment.

(Attention of the witness was drawn to the "Tidings" issue of June, 1997 (Ext.W-48/2) where it has been mentioned that 100 persons had attended in Ramachandrapur jungle camp and some were baptised. The witness answers that she is not aware of that).

She further added: "Jungle camps never caused any resentment among the local people"

The relevant entry in the **June, 1997 issue of 'Tidings'** (Ex.48/2) reads as under:

"The first jungle camp in Ranchandrapur was a fruitful time and the Spirit of God worked among the people. About 100 attended and some were baptised at the camp.

> At present Misayel and some of the church leaders are touring a number of places where people are asking for baptism. Five were baptised at Bigonbadi."

In this depositicn ***Nehemiah Tudu (W-43)*** stated as under:-

> "Jungle camp is held at Raika once a year. Previously is was being held at Banki. Mr. Graham Staines used to attend the jungle camps. He never baptised though at times he used to attend the baptisation programme.
>
> As the Pastor, I preach and teach others about Lord Jesus. We the Pastors of various churches decide the place where the jungle camp and baptisation programme would be held. Thereafter we consult Mr. Staines for arranging speakers for the said programmes. I regularly attend the jungle camp at Raika. I also attend other jungle camps occasionally.

In the ***April, 1998 issue of `Tidings' (Ex. W-48/5)*** the jungle camp has been described as under:

> "Jungle Camp means four days of Bible teaching, prayer and the fellowship of Christians living together. It enables believers from other churches to meet with local Christians to discuss experiences and encourage one another. Also speakers from other places broaden the vision of those whose lives have been confined to one church leaders to further develop material for their own regular ministry.
>
> The camp can also create hunger in the hearts of those who come just to observe. Each camp has a bookstall, which for many is the only chance to buy Christian literature.
>
> The three camps held so far this year were well attended and others are to be held in the next few months. There are different needs in each place. Pray for wisdom for the leaders and responsive hearts in the people.

One lady commented after reading some of the Ho New Testament – 'God's work is just so fresh and new to me as I read it now' It was also encouraging to see so many Ho people following the references in the Ho New Testament during the messages at Sorot Jungle Camp. We sold all the New Testaments we took there.

7.7 The evidence before the Commission on the Baliposi incident

The evidence of *John Mathai (W 30):*

"In February, 1998, during the jungle camp at Baliposi, some youoth from the neighbouring villages came and protested agianst the holding of jungle camp. They threatened the local christians that they would come during night time and stop the junfle camp. One boy, I found, was having written on his `T' shirt the word "R.S.S." Local christians informed police about the threat. Since general election was around, the police officer of Mahuldiya police station told us that he would not be able to provide any protection. He suggested that the best course was to stop the jungle camp and that he would provide escort to the people coming from outside upto Thakurmunda. We, therefore, closed the jungle camp one day earlier and the police officer provided escort as promised by him. All the missionaries working under the I.E.M. had attended the said jungle camp. Some of the names are Mr. & Mrs. Pradip Das, Mr. and Mrs. Satya Ranjan Soren, myself and my family, Miss Premlata Das and Mr. John Giliad Das who had come from Delhi. Mr.Raphael Cameron and Mr.Graham Staines also attended the jungle camp. There was no specific hostility exhibited by the villagers against the foreigners in the jungle camp.

Q. Can you say what was the motive behind this hostility exhibited at the time of jungle camp?

A. Since christianity was spreading in that area, that might be the reason for the hostility. By area, I mean to say Thakurmunda.

Local people of the church had given a report in writing to the Mahuldia police station. I did not see the report myself since that was in Oriya language. I, however, asked those people as to what was being written in the complaint. They told me that in the report they have written that when the jungle camp was going on, some people from the neighbouring villages came and threatened the local christians and stated that they would come in the night and disturb the jungle camp.

In February, 1998 when the jungle camp could not be held for the whole period, about 7-8 people had come. They were talking to the local christians in Oriya. They were, however, not armed.

Q. Can you name the boy who was wearing a T shirt with R.S.S. written on it?

A. No.

Q. Why was it not mentioned earlier and why today you thought it was important to mention?

A. Since I did not know him nor did the villagers know, I did not mention this fact to anybody.

7.7 1 In her deposition, ***Gladys Staines*** (W – 48) states:

"I am aware of the incident at the Baliposi jungle camp to the extent my husband told me on his return. He told me that the jungle camp broke midway. There was some problem. Personally I do not know to what extent that problem was."

7.7.2 Evidence of ***Nehemiah Tudu*** (W-43)

Q. What happened at Baliposi camp? Was there any disturbance?

A. I was inside the church. I have not seen anything myself.

The jungle camp at Baliposi could not be held as per schedule. Local police asked us to stop the meeting saying that they were not ina position to extend security due to the election which was scheduled to be held during that time. Therefore the jungle camp at Baliposi was closed and we all left.

7.7.3 In the **April, 1998 issue of 'Tidings' (Exhibit W-48/5),** the Baliposi incident is referred to as under:

"We have just arrived home form the Baliposi camp a day early. Some people from a militant Hindu group who are persecuting the Christians came to the camp but were not able to distrub the meetings. On the last evening the police cam and told us to stop the meeting and leave, as they would not be able to protect us. We had to pack up quickly and leave for a three hour trip home, without eating any evening meal. Pray for the believers at Baliposi and that the authorities will take proper steps to maintian peace and deal with those stirring up communal strife."

Observations/Comments:

7.7.4 The incident at Baliposi has been described in a fairly cogent and consistent manner by all of the above witnesses and there is also contemporaneous recording of it by Staines himself in his despatch published in the April, 1998 issue of 'Tidings'. It is clear from this incident that jungle camps were a source of tension and were resented by the Hindu fundamentalist groups. What is similar to the camp held a year later at Manoharpur is that Staines attended both camps in the very same jeeps and slept in the jeep with his elder son Timothy during the days of the camp.

Tensions in Manoharpur

7.8 The IT in its final report has adverted to the tensions between the Christians and non- Christians in Manoharpur, in the following words:[33]

7.8.1 Manoharpur village is situated at a distance of about 50 kms from Anandpur police station, Keonjhar district. It is located in the interior, adjoining Mahuldiha and Thakurmunda PS of Mayurbhanj district, close to the Simlipal forest reserve area. It is a predominantly Santhal tribal village. The population of the village as per 1991 census is 724 out of which 701 are tribals and others are Scheduled Caste. In the village 24 families are christians and a total of 44 families in the adjoining areas are Christians. A Church is functioning in the village since 1980 in Kachasahi. An annual function called 'jungle mela' is observed after Makar festival during the last part of January every year by the Christian families. The jungle mela is attended by Christians of bordering areas of Thakurmunda and Mahuldiha PSs also. Mr. Graham

Staines normally attends the annual function. Local police stated that the village is very peaceful. Neither the annual jungle mela held this year was informed to them nor any information about this event/any tension was received from any other source. Therefore, no police arrangement was made.

(i) There were 2 cases under section 107 CrPC

(a) Criminal Misc case no.56 of 1983 u/s 107 CrPC

(b) Criminal Misc case no.294 of 1993 u/s 107 CrPC

These cases are between two groups of Christians and non-Christians of Manoharpur village. The disputing parties had compromised in the Court of Executive Magistrate, Anandpur. The disputes related to ploughing of land during festivals of non-Christians.

(ii) During mid-1997, the Christian leaders of Manoharpur Church had taken out a procession of around 80 children with flags in the village. Nishikanta Hembram, headman and other non-Christians had strongly objected. The Anandpur police had intervened. Both sides were advised to keep peace. Ralia Soren, local Christian elder had assured that this would not be repeated. The event was part of plans to activate Vacation Bible Study (VBS) in Manoharpur Church. However, this did not materialise due to differences within the Church and opposition from non-Christians.

[33] Final Report, para 38.

(iii) Ralia Soren, one of the local Christian leader contested the last election for Sarpanch of Manoharpur Gram Panchayat. The other contestants were Thakurdas Murmu (the present Sarpanch) and Nishikanta Hembram (village pradhan). Ralia Soren managed to get the votes of all Christian families residing in the village Manoharpur and surrounding villages. Nishikanta Hembram bears a grudge that he lost the election only because all Christians voted for Ralia.

(iv) The 3rd annual drama competition was organised in village Manoharpur from Jan. 18-20, 1999. The organisers included Lalit Marandi, President and Mahendra Hembram. Lalit Marandi named in FIR of the Manoharpur incident has been arrested and Mahendra Hembram is wanted by the police. Contributions were obtained to raise funds for the drama competitions. Some Christians paid and some had not. It may be one of the minor irritants against the Christian tribals of the village in the minds of locals.

(v) On January 5, 1999, Christian songs were played on cassette player and mike in the house of Bhima Hansda (Christian) on the occasion of the marriage of his daughter. Some non-Christian tribal youth objected to it. The matter was settled on the intervention of the villagers. This incident reflected the mood of disagreement between the two communities in Manoharpur.

(vi) Nishikanta Hembram stated that Staines was helping to convert Hindus to Christians since every year during the period of jungle camp Staines visited Manoharpur and participated in feasts and

religious meeting with the Christians. Hindus looked Staines with suspicion.

(vii) There was rumour that about 31 tribals were converting to Christianity around the time of occurance of the Manoharpur incident. Chaitanya Murmu, Pastor of Manoharpur Church, stated that there was no programme of conversion either this year or even in earlier years during the annual gathering of jungle camp held in the month of January in Manoharpur village. Late Graham Stuart Staines had not done any conversion. Those who embraced Christian religion were baptised by the local Pastor on other occasions. Neither any force was used nor any allurement given to accept Christianity. The Pastor produced a register showing list of persons baptised as Christians year wise during the period 1981-1998. [34] The rumour could not be confirmed.

7.9 Evidence before the Commission

In regard to the tensions in village **Manoharpur** between Christians and non-christians, the following witnesses have in their respective depositions before the Commission broadly corroborated the above observations of the IT:

Subhankar Ghosh (W-1):

"During my stay in village Manoharpur for the jungle camp, I did not find any sign of unhappiness among the christian families gathered there."

Thakurdas Murmu (W-3):

"I have never heard about any dispute between the Christians and the Hindus in Manoharpur Grama Panchayat. I am the Sarpanch of Manoharpur Grama Panchayat since 1997. There was no tension among the Christians and the Hindus in village Manoharpur before the incident or is existing at present. However, after the incident I was told about some incident which had occurred in 1983 in Manoharpur when there was some dispute between the Christians and the Hindus regarding cultivation of land during the Raja Festival."

Nimai Hansda (W-6):

"I was a participant in the Jungle Camp. I did not notice any change in the behaviour of the villagers either towards me or towards the persons who accompanied me to the Jungle Camp.

For the last about 10-12 years I have been coming to Manoharpur to attend the Jungle Camp and I used to stay for 4-5 days during the camp period. I know only 4 persons of village Manoharpur. They are Mathai, Samson, Ishak and Ralia Soren. I dnot not find any kind of tension among the different communities in vilage Manoharpur."

Ralia Soren (W-7):

"There were no disputes between christians and non-christians in our village. But during a marriage, which took place on 5.1.1999, there was some

[34] The Register maintained at the Manoharpur Church is Ex. 8/1

hitch relating to playing of a cassette containing songs of Christians. Khitish Marandi and Sawana Murmu had quarrelled with me. Sawana is also known as Chaghara. I was an invitee to the said marriage. Khitish Marandi and Sawana Murmu are not Christians and they objected to the playing of the cassette saying that they would not allow playing of any cassette containing Christian songs. They, in fact, quarreled with me on that ground:

Q) Since it was not known who was playing the cassette and you were merely an invitee, why did those two persons quarrel with you?

A) Since I am a leader of the Christian community in the village and I was standing nearer to those persons, they quarreled with me.

There were litigations between the Christians and non-Christians in the years 1983 relating to ploughing operation during Raja festival in village Manoharpur. I was a party to the said litigations. The matter was compromised in the court of law. There was no term relating to holding of jungle camp in the compromise application

Paul Murmu (W-11):

"I was converted to Christianity in 1978. During these years, I have gone in the vehicles to attend jungle camps, baptism, marriage functions of the Christian families. I am not aware of any dispute or disturbance between the Christians and non-Christians in Mayurbhanj and Keonjhar districts. I belong to a Mayurbhanj district and I have

been travelling in the districts of Mayurbhanj and Keonjhar. At Manoharpur camp, there was no threat to the life or to the houses of Christians. From the date of incident at Manoharpur, no harm or damage was caused to the members of the Christian families or to their life and properties or even to the church.

Q) You have stated that there was no dispute between the Christians and non-Christians in the two districts of Mayurbhanj and Keonjhar and further that no damage was caused to the houses of Christians. You also did not hear of any threat to the life of Mr. Staines. Can you given any reason as to why the mob burnt Mr. Staines and his sons

A) I cannot given any reason. Rather Mr. Staines was such a noble person.

Samson Marandi (W-16):

"Twice there was dispute between Christians and non-Christians relating to ploughing of land during Raja festival, but I do not remember the year when the dispute took place.

Q) Did any ill-will exist between Christians and non-Christians in your village?

A) The relationship was good, so I cannot say about any ill-will.

Nisikanta Hembram, Sankar Marandi and Dinabandhu Marandi were giving threats on the ground that we were converted to Christianity.

Those threats were given about 8 to 9 years ago. (the witness further adds - About two years back, there were some disputes relating to ploughing of land during Raja festival).

Shankar Marandi (W-25):

"Hindu residents of village Manoharpur did not oppose any conversion to christianity in the village. Mr. Graham Staines use to hold the jungle camp in the village every year regularly.

There was no opposition from any quarter against holding of jungle camp in the village."

Nishkanta Hembrum (W-37) has stated that "there was no enimity between Christians and Non-Christians in our village Manoharpur"

Madhusudan Marandi (W-38) has stated "there was no tension or enimity between the christians and non-christians in our village. Regarding holding of jugle camp also there was no tension or enimity between them.

Mathai Marandi (W-40):

"There were disputes between the christians and non-christians of our village on 3-4 occasions. In the year 1983, there was some dispute relating to ploughing of land during Raja Festival. About 2 years back, there was also some disturbance between christians and non-christians relating to teaching of Bible to the Christian, which was objected to by the non-christians. One of the main objectors was Supai

Marandi. I do not remember about any difference or dispute between christians and non-christians just prior to the incident of 22/23.1.99.

There is some internal dispute between Ralia Soren and Chaitan Murmu relating to the affairs of the church. Originally, Ralia Soren was the Pastor of the church. As there was some dispute, Graham Staines made Chaitan Murmu the Pastor in place of Ralia Soren. I was a supporter of Chaitan at the time when there was dispute between him and Ralia. Ralia was not attending the church regularly during that time. The dispute between Ralia and Chaitan started about 18-19 years ago, and continued for a considerable period. However, Ralia was attending the jungle camp regularly.

I cannot say why Mr. Staines was killed. There was some dispute among the Christians of our church in the past 2-3 years. On one occasion, a meeting to teach Bible to the children was to be held, but due to the dispute, the same could not be held."

Solomon Marandi (W-42)

"There was some dispute between the two groups in the church, one followed by Ralia and other followed by Timothy. But I do not know the reason of the dispute. I am a supporter of group of Chaitanya @ Timothy. I have no idea if there was any conversion after I was converted to christianity."

Observations/ comments

a) The tensions between Christians and non-Christians in Manoharpur were not of such a serious nature as to create any law and order situation in the village.

b) The village Manoharpur has remained by and large peaceful going by the accounts of the villagers themselves.

c) The differences, if any, between Christians and non-Christians in Manoharpur could not have been the proximate cause of the incident.

VIII

MOTIVE

8.1 The Investigation Team has in its report [35]suggested the following factors as constituting the motive for the crime:

(i) The evidence collected during the course of investigation revealed the involvement of Dara Singh in the crime. There is evidence of Dara Singh's activity relating to the crime, before and after the incident. Disclosure of Kartik Lohar recorded by Crime branch gives in detail Dara Singh's participation in the actual crime also.

[35] Final Report, para 29

(ii) From the investigation conducted, no personal enmity of Staines with anybody has emerged. Mrs. Staines has also confirmed that there had been no threat to his life. Had there been any threat, he would not have taken his two small children along with him.

(iii) Dara Singh's earlier crime had been against Muslim traders. However, Purna Chandra Mahanta s/o Basudev Mahatna r/o Bonbir village has disclosed in his statement that Dara Singh does not like Muslims as well as Christians. It indicates that Dara Singh not only has anti- Muslim but anti- Christian feelings also.

(iv) Dara Singh had asked Purna Chandra Mahanta to come to Manoharpur but he did not disclose the 'work'. Purna Chandra is one person with whom Dara held talks prior to the incident.

(v) There was also a rumour that some people will be converted to Christianity around the time of jungle camp.

(vi) Though no major clash has taken place in the village but there has been differences between the Christians and non-Christians in the village. According to the disclosure statements of Suratha Nayak s/o Padmalochan Nayak r/o Rimilidiha recorded by Shri S.C. Bala, DySP, Crime Branch, Dara Singh has told that Christian Pastors are destroying Hindu religion. They are converting the innocent adivasis as well as Hindus to Christianity in the name of curing them from diseases. On 22.1.99 they will go to Manoharpur and

murder those Christian Pastors and burn their vehicles as well as their Church. Similar disclosures of Peon Tudu s/o Charan Tudu, Trinath Nayak s/o Chatan Nayak both of village Rimilidiha and Kartik Lohar s/o Than Lohar of village Boring were recorded by Shri S.C. Bala, DSP, Crime Branch. These disclosures indicate that Dara Singh has moblised support on the issue of conversion to Christianity and committed crime.

(vii) There was opposition to the jungle camp congregation at Baliposi in 1998 which was attended by Mr. Staines also. The participants were escorted out by the police. Tension between Christians and non-Christians have come to light at some other jungle camp locations also, though tensions do not directly pertain to jungle camp.

(viii) On December 1, 1997, Fr. Varghese Puthumattam of Catholic Church was confronted by local non-Christians and threatened not to return to the village since they were allegedly converting people to Christianity. On July 17, 1998 when he went to the village he was challenged by hostile non-Christians who allegedly threatened to kill him. He was rescued by the police.

(ix) All these factors combined may have contributed to the gruesome incident. However, the real motive will be known after arrest and thorough interrogation of Dara Singh and his close associates Dipu Das and Anirudh Dandpat @ Andha Nayak.

Motive as suggested by witnesses before the Commission

8.2 Apart from the above, the evidence of the following witnesses gives a broad indication of what is perceived to be the possible motive for the crime:

John Mathai (W-30)

Q) Can you describe the motive which led to the killing of Mr. Staines and his two children?

A) What I feel is that christianity is spreading in that area. One reason to kill them might be to stop spreading of christianity and those who had already become christians would go back to their original religion.

Thakurdas Murmu (W-3):

Q) You have been the Sarpanch of Manoharpur since 1997 and you say that there is no tension among the Christians of Manoharpur and that there is no or injury or damage to the property of the Christians. Can you give any reason why Mr. Staines and his two children were burnt to death?

A) It came like a tornado. I am also astonished as to how such an incident could happen in Manoharpur.

Nimai Hansda (W-6), who worked as the driver for Mr. Staines has said "I have never heard about anyone having enimity with Mr. Staines.

Nehemiah Tudu (W-43):

Q) Can you describe the motive behind the killing of Graham Staines?

A) We were not contributing to the villagers for sacrifices. They thought that Graham Staines was the main person behind it and if he would be killed, there would be no more christians. This is my own opinion and not that I have been told so by anybody.

Mr. S.C. Bala (W-51)

"The motive appeared to be that non-christian people were aggrieved on the ground that Christian fathers/ missionaries who are converting the people to christianity in a deceitful manner by giving allurements.

L.N. Behra (W-52), the principal investigator for CBI

"as to what is the motive behind the incident can be pin pointed after the arrest of Dara Singh. But the investigations so far conducted reveals that Dara Singh took his accomplices by stating that 'let us go and assault the Christian Missionaries who have come to Manoharpur as they are indulging in conversions of innocent tribals to Christianity and are spoiling our religion and culture."